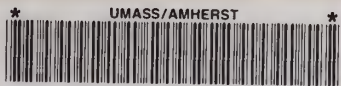


MASS. Y3.MPI: M 27/2
July 1989



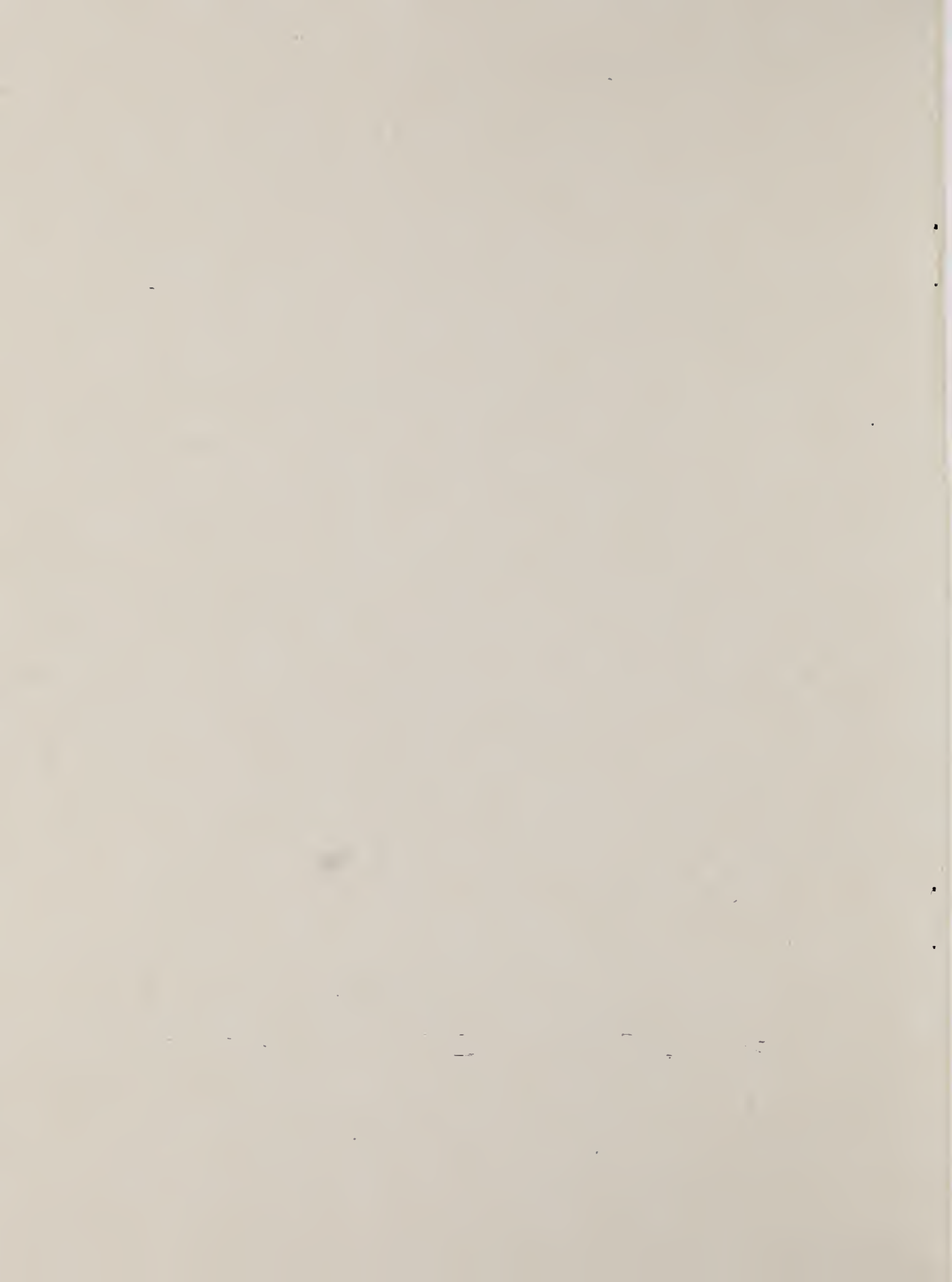
312066 0270 3516 4



AGIC Regional Preservation Program



Metropolitan Area
Planning Council
60 Temple Place
Boston, MA 02111



Principal Author	Jill M. Sullivan
Contributor	Katy Hax Holmes
Technical Reviewer	Joan Blaustein
Graphics:	Jonathan Cheney Jill Sullivan
Production:	Michele Morse Lois Baxter Michael Gibson
MAPC Officers	Frank E. Baxter, President Franklin G. Ching, Vice-President Marjorie A. Davis, Secretary Martha K. Gjestebly, Treasurer David C. Soule, Executive Director
MAGIC Representatives	Donald Gilberti - Acton David Hill - Acton Alicia Altieri - Boxborough Joan Huntley - Boxborough Kay Kulmala - Carlisle Hal Sauer - Carlisle Nancy Beecher - Concord Rosemary Marini - Hudson Carol Bibbins - (MAPC Rep.) Littleton Don Armstrong - Littleton William King - Maynard Malcolm Fitzpatrick - Stow Russell Kirby - Sudbury

The activity which is the subject of this publication has been financed in part with Federal funds from the National Park Service, Department of the Interior through the Massachusetts Historical Commission, Secretary of State Michael Joseph Connolly, Chairman. The contents and opinions do not necessarily reflect the views or policies of the Department of the Interior or the Massachusetts Historical Commission.

Additional copies of this report may be obtained from the Metropolitan Area Planning Council. No portion of this report may be reproduced without permission from the MAPC.



Digitized by the Internet Archive
in 2015

<https://archive.org/details/magicsubregiontr00mass>

TABLE OF CONTENTS

Page No.

I. INTRODUCTION	1
II. THE MAGIC SUBREGION AND ITS LOCAL HISTORICAL COMMISSIONS	3
A. What is MAGIC?	
B. The Monthly MAGIC Meetings	
C. The Grant	
D. Local Historical Commissions	
E. The Inventories	
III. RESOURCES OF VALUE TO THE MAGIC REGION	19
A. MAGIC Community Characteristics	
B. Regional Resources in MAGIC	
1) <u>Assabet River</u>	25
Applicable tools:	
Development Strategies for Riverfronts	
Model River Protection Zoning Bylaw	
2) <u>Fort Devens Depot</u>	31
Applicable tools:	
Hopkington Open Space and Landscape Preservation Bylaw	
Marshfield Historic Preservation Development Incentive Bylaw	
3) <u>Route 117</u>	36
Applicable tools:	
Scenic Road Designation	
Zoning	
Sign Ordinance	
4) <u>Lowell-Sudbury Bikeway</u>	37
IV. ADDITIONAL PRESERVATION TECHNIQUES/TOOLS	38
1) Demolition Delay Ordinance	
2) Agricultural Preservation Restriction Program	
3) Dutchess County Land Conservancy Model Easement	
4) Overlay Districts in Preservation Planning	
V. RECOMMENDATIONS	44
VI. IMPLEMENTATION	49
VII. CONCLUSION	50
VIII. APPENDICES	
Appendix 1. Model Bylaws	
Appendix 2. Preservation Tools in MAGIC Community Bylaws	
Appendix 3. Local Resources	
Appendix 4. DEM Scenic Landscapes & Bay Circuit in MAGIC	
Appendix 5. State Register in MAGIC	
Appendix 6. Scenic Roads in MAGIC	
Appendix 7. Master Plans in MAGIC	
Appendix 8. OAR "Finlandia Region" Map	
IX. BIBLIOGRAPHY/SOURCES	Apdx.

List of Tables

	Page No.
Table 1. MAGIC Community Historic Inventories	14
Table 2. Federal Census Estimates for 1986	19
Table 3. Land Use in the MAGIC Subregion	20
Table 4. Median Home Prices in MAGIC 1988	21
Table 5. Land Uses along Rte. 117 in MAGIC	36

List of Maps

Map 1. National Register Properties and Isaac Davis Trail	18
Map 2. Regional Resources in MAGIC	23
Map 3. Scenic Roads and Local Historic Districts	Apdx.
Map 4. DEM Scenic Landscape Inventory	Apdx.
Map 5. Water Resource Protection	Apdx.

List of Figures

Figure 1. Milestone on Rte. 117 in Sudbury	4
Figure 2. Wetherbee House in Boxborough	7
Figure 3. Hudson "Silas Felton" Historic District	9
Figure 4. First Parish Church of Stow and Acton	15
Figure 5. Assabet Woolen Mill - DEC Headquarters, Maynard	24
Figure 6. CRM Manual Illustration Before Development	27
Figure 7. CRM Manual Illustration After Conventional Development	28
Figure 8. CRM Manual Illustration After Creative Development	29
Figure 9. Principles of Planned Unit Development	35
Figure 10. Old Mill Row Houses in Maynard	40
Figure 11. Old Barn in Boxborough	42

I. INTRODUCTION

The idea for creating a Regional Preservation Program (RPP) is a result of recommendations made in a 1987 MAPC publication entitled: Conflicting and Compatible Land Uses in the MAGIC Subregion. This report suggested that a regional preservation district and a governing Regional Preservation Commission be created to enforce regional standards for growth and the preservation of the area's cultural and environmental resources. Since that time, the "district" recommendation evolved into a more general approach to preservation, in the form of a Regional Preservation Program (RPP).

The ideas and recommendations outlined in this report are starting points from which the communities can begin to enact regional preservation practises in their communities, while at the same time, setting the groundwork for future and continual awareness of the need to protect the subregion's character. It is hoped that each year, the subregion will identify more regional resources and commit to balancing appropriate development and the permanent protection of these assets.

The first chapter gives a brief history of the Minuteman Advisory Group on Interlocal Coordination (MAGIC) and the ten member communities. Research at the Massachusetts Historical Commission proved that some of these 9 towns and one city have intimately related histories. The chapter also describes the methodology and goals of the RPP. Data was compiled on existing protective bylaws in MAGIC communities. These and other data on historical resources are in the appendices of the report.

The second chapter discusses the recent activities of the ten local historical commissions, obtained through interviews with the commission members. One of the tasks of the RPP was to assist the local commissions with work on their inventories of cultural and historic assets. A joint meeting with the ten local commissions and Massachusetts Historical Commission staff, as well as an inventory workshop, were held as a result of the work done on this project.

Chapter three identifies regional and local resources of cultural, environmental and aesthetic value to the subregion. Some of these ideas came from various community people as well as discussions with historical commission members and MAGIC representatives. The bulk of this chapter and the remainder of the study, is devoted to the explanation and highlighting of sample bylaws which, if enacted, would most appropriately and successfully preserve the sited resources. The study recommends that the communities take action to adopt some of these protective measures.

The MAGIC region is a unique "resource" in its own right. The area has much to offer in history, natural beauty, charm, and an enviable quality of life. Its wealth of history has a legacy to be preserved. Like all of Massachusetts these communities are experiencing growth and the developmental pressures that growth brings. Because of this, MAGIC's primary goal is the preservation of its assets for future generations. The Metropolitan Area Planning Council (MAPC) can be instrumental in helping the communities achieve this goal. It is hoped that the subregion will take the steps necessary to implement some of the model bylaws. This Regional Preservation Program is intended as a first step in a continuing program to implement regional preservation.

II. THE MAGIC SUBREGION AND ITS LOCAL HISTORICAL COMMISSIONS

A. WHAT IS MAGIC?

The Minuteman Advisory Group on Interlocal Coordination (MAGIC) is a subregional entity of the Metropolitan Area Planning Council. The group is composed of local officials from ten communities north and west of the city of Boston: Acton, Boxborough, Carlisle, Concord, Hudson, Littleton, Marlborough, Maynard, Stow and Sudbury. The MAGIC representatives are members or designees of the Planning Boards and Boards of Selectmen. They have been meeting monthly, with staff support from MAPC, since late 1984 to discuss growth and planning issues in the subregion.

Some of the ten MAGIC communities have interrelated histories. The Massachusetts Historical Commission (MHC) files reveal that a number of these municipalities spawned one another.

ACTON was incorporated in 1735, the northeast corner of which ceded to Carlisle in 1730. Some of the earliest activity in Acton was in grist mills, iron works and the production of wood and charcoal.

BOXBOROUGH was originally part of Stow, Littleton and Harvard. Although it began as an Indian Praying Town, it was incorporated in 1783. Fruit and dairy production were primary sources of economic means.

The Indian Praying Towns were formed due to the "conversion" of native Indians by John Endicott, first governor of the Massachusetts Bay Colony, who began preaching to the Indians in their own language. (Carlson 1986:13) Endicott believed that in order to facilitate the christianization of the Indians, they should "give up their indigenous culture and adopt English behavior and life-style". (Carlson 1986:14) Thus, the settlements of the "praying Indians" were formed. Of the seven original Praying Indian Towns, two were in MAGIC: Okommakamesit (Marlborough) and Nashoba (Littleton).

CARLISLE had two districts at one time, the first being a part of northern Concord which incorporated in 1754 and the second district made up of portions of Acton, Billerica and Chelmsford, in 1780. There is evidence of 17th century mills, copper smelting and agriculture as the early "business" in Carlisle.

CONCORD was a plantation settlement located at the junction of the Sudbury, Assabet and Concord rivers, that was granted a charter and renamed the town of Concord in 1635. It originally contained parts of Acton and Carlisle. A second center was formed around the iron works mill in West Concord. Fishing, agriculture and hunting were early activities.

HUDSON was entirely created from parts of Marlborough and Stow in 1866, also as an Indian Praying Town. A grist mill for Marlborough was located in Hudson.



Figure 1. Milestone on Route 117 in Sudbury .

LITTLETON, another Praying Town became incorporated in 1714. Its original economic base stemmed from apple and cider production. Some trapping was also done here.

MARLBOROUGH was part of the Sudbury grant in 1638; less than 20 years later it was settled as yet another Indian Praying town and finally became incorporated in 1660. This small industrial city at the headwaters of the Assabet River dates to 1890 and is the only city in MAGIC. It became much smaller when four other communities were formed including Hudson. Aside from early fishing and agriculture, Marlborough was a big center for the shoe industry.

MAYNARD was created from parts of Stow and Sudbury, and it was incorporated in 1871. Fishing along the Assabet, grist and saw mills and farming provided work in this community. However, its greatest industry was in the woolen mill - home of the American Woolen Co. and now international headquarters for Digital Equipment Corporation.

STOW was originally known as "Pompositticut" in the mid 17th century. The town was incorporated in 1683. New towns were formed from its original borders, including Boxborough, Hudson and Maynard. There is early evidence of seasonal fishing along the Assabet and limited agriculture as well as the presence of mills at Gleasondale.

SUDBURY was part of the Sudbury grant of 1639. The western part of "Sudbury Plantation" became the west precinct of Sudbury in 1721. The earliest peoples fished on the Sudbury River, hunted and farmed. Sawmills and taverns were established in the early 1700's.

B. THE MONTHLY MAGIC MEETINGS

The monthly MAGIC meetings often consist of a presentation and/or discussion of a topic by MAPC staff. The group is regularly apprised of legislation that relates to some of the growth and planning issues of importance to the subregion.

MAGIC representatives would agree, however, that the most valuable aspect of their meetings is the Community Exchange. During this portion of the meeting, news and information about development is shared between key officials from the ten communities. Although MAGIC does not currently have an official policy regarding Developments of Regional Impact, this exchange of information has been brought back to the communities and affected positive change in a number of cases.

The subregion has dealt with a variety of issues ranging from impact fees and traffic to land bank legislation and historic preservation. Since its inception, the group has been interested in preserving the unique character in its region.

C. THE GRANT

In March 1988, MAPC applied to both the Massachusetts Historical Commission's (MHC) Survey and Planning Grants program and the Massachusetts Council on the Arts and Humanities' Rural Design Assistance Program for funds to create the Regional Preservation Program (RPP). The MHC viewed the application as an opportunity to reach a number of communities with one grant and promote preservation from a regional perspective and awarded the funds to MAPC to assist the communities in the creation of the RPP for the subregion.

Briefly, the project entails two main tasks. The first is an assessment of the local historical commissions and the local inventories of historic resources, as well as a compilation of protective bylaws found in each of the ten communities. The second task is the development of the RPP that will identify cultural and environmental resources and couple them with appropriate preservation tools.

D. THE LOCAL HISTORICAL COMMISSIONS

Interviews were conducted with chairpeople and members of these commissions to determine the group's level of activity, membership and recent accomplishments. Since historical commission membership is voluntary, the activities vary from town to town, depending on the number of people involved and the amount of free time available. Below is a summary of these commissions' work during 1988-89 taken from phone conversations and written statements. A main component of historical commission work is an inventory of historical and archeological resources in a community. This will be explained in the next section.

ACTON

The five member board meets once a month. The inventory has been in the works for a number of years. According to the chair of the Commission, when a few more forms are completed, a group of more than 70 building forms will be sent to MHC to be included in what is already on file there.

A few years back the Commission published a booklet entitled "Acton: A Second Look", to commemorate the 250th anniversary of the town. More recently, however, the town passed a new demolition delay bylaw. Three public hearings have been held so far and in two cases, the bylaw has succeeded in saving the structures from demolition for six months.

The Selectmen have voted to establish two new historic districts and an historic district study committee is being appointed.

BOXBOROUGH

The current chair of the Commission has been involved for a very short time. There has been a lull in the Historical Commission, which was quite active between the 50's and late 70's. However, the five members of the newly formed Historical Commission have been meeting again since September. Anne Tait from the Massachusetts Historical Commission recently met with them. As a result of this meeting, work on the town-wide inventory is underway. Ninety-four homesites that predate 1940 have been identified; half of these have been photographed.

The Commission sponsored two artists for the Arts Lottery Council to do a video of the town: "Boxborough: past, present, future". The project was not funded in its entirety and therefore the artists are reapplying to secure more funds. The Arts Lottery Program is a state program that funds 335 local Arts Lottery Councils throughout the Commonwealth. Five million dollars of Megabucks proceeds are distributed each year to the local councils to fund artist's projects.



Figure 2. Dunlap House in Boxborough .

The Commission has initiated the preservation and restoration of the Old Town Meeting benches with the help of an Acton-Boxborough High School shop instructor and students.

The Commission has helped rescue its first threatened structure - the James Whitcomb House. Information from the state Historical Commission saved the building from destruction. The group will propose to acquire the building to house the Boxborough Historical Museum.

CARLISLE

The Historical Commission is actively involved with the town historic district. A member of the Commission recently met with MHC staff about doing more work on their inventory.

The Commission was instrumental in redesigning the new post office in town, located in the Historic District, to create a more appropriate massing and roof pitch. Carlisle has just bought a cranberry bog jointly with Chelmsford. They are in the process of establishing a shared governing body to oversee the operation of the bog. Some Self-Help funds from the state have been promised to fund this conservation acquisition.

An article to expand the Historic District to include two historic school structures was defeated at the 1988 Town meeting. A similar article may be filed in 1990.

Work has restarted on the inventory.

CONCORD

Concord is extremely active in many areas of historic preservation. The Commission has 5 members and one alternate member. Membership includes historians, a landscape designer and interested citizens. They have been actively involved with other town boards and committees in the past two years because of the enormous pressures for development which have been placed on the town. Commission efforts advocating historic preservation have met with mixed support in the community.

The Concord Historic Collaborative coordinates the activities of historic interests within the town; the Commission is a member of this group.

An inventory of West Concord was completed in January by Anne Forbes, a graduate student in the Boston University Preservation program. Forbes had a contract for one semester but actually spent two. In return for her work, the Commission paid her B.U. tuition. Working with MHC survey staff, Forbes added information to a photographic inventory gathered by two former Concord Historical Commission members. She divided West Concord into seven areas. A list was created of all eligible buildings with address, date and style. She then chose 50 structures for detailed, full-form description. Each of the seven areas is covered by an area-wide description.

Because of this work, Concord is again eligible to recommend buildings to the National Register.

Town meeting voted the Commission \$3,000 for the continuation of this work and it is expected that within three years an inventory of the entire Town will be complete.

HUDSON

There are three members on the Commission appointed by the Selectmen; as many as seven can serve. In conjunction with the Historic District Study Committee which was appointed by the Selectmen, the Commission established the town's first historic district: the Silas Felton Historic District



Figure 3. Hudson " Silas Felton " Historic District .

named after a man who was prominent in the founding of the town, originally known as Feltonville.

Another project the Commission is currently involved in is documenting an old cemetery in the east of Hudson. The area is a partial dumping ground in an industrial zone. Gravestone fragments have been found and photographed and a vague description of the burial ground exists. It was part of the town's Poor farm and close to 40 "unfortunates" are buried there as well as three Revolutionary veterans. The site is easily accessible, near Main Street and although there are no plans to reconstruct it, the Commission is hoping to have an archeologist demarcate the boundaries and possibly have a marker placed on the site. ***At press time, MHC archeological staff has made numerous trips to the site.

Another ambitious project is the cataloguing of 5,000 glass plate negatives given to Hudson by the Marlborough Historical Society. They were found in the basement of an abandoned building. The images were made in Hudson between the turn of the century and 1932.

"The inventory is always being updated," according to Chair Dick McQuiggan.

LITTLETON

The Commission had not, until recently, met regularly in over a year. A college student was retained to work on the inventory but the work was not completed. MHC staff recently went out to Littleton to discuss the inventory and a possible historic district. The Commission has decided to concentrate on the houses and buildings in the Center (the oldest area and hub of town) as this area has the greatest potential to become a historic district in the near future. 80 sites were recorded 15 -20 years ago, but there are 240 sites to be surveyed and inventoried up to the year 1939.

The Selectmen are encouraged that the Commission is meeting again. A local historic district proposal was defeated 25 years ago. The Commission has established a working relationship with the Planning Board to exchange information on zoning issues such as delayed demolition, etc.

Recent Commission accomplishments include securing Littleton's first historic preservation/conservation easement after notifying the Planning and Conservation Boards of a limestone quarry site on one of the town's oldest homesites which is being subdivided. On the Commission's request a proposed street drainage system has been relocated to avoid impacting a locally designated historic stagecoach bridge.

Aside from working on the inventory, a biweekly column on Littleton's history is being written by a Commission member and published in the local paper in conjunction with the 275th anniversary of the town. According to the Commission chair, "the board is actively assuming the role of historic guardian in Littleton".

Nomination papers for the National Register have been received by the commission for the Houghton Memorial Library. They have hired a preservation consultant to complete the forms. The Littleton Historical Society has proposed a town museum/reference library (and official home of the Society) for this building after the library vacates this June.

MARLBOROUGH

There has been no active Commission in three years. The chair has been involved in the group for many years now and has completed most of the work on the inventory in the late 1970's (60 complete entries). His sense is that many private homeowners are concerned about having their homes listed on a survey because of the threat of theft/vandalism. This misconception is something that MHC can address through public education. Volunteer groups have been unsuccessful in the past in trying to do survey work in Marlborough.

MAYNARD

The Historical Society and the Historical Commission have many of the same members. The inventory was partially done in 1977 with 38 completed forms including three roads, a stone marker and tomb stones in the cemetery.

Before the downtown revitalization, an MHC staff member walked the main street in Maynard and concluded that if all of the major commercial buildings were inventoried, the survey could be considered complete. There is interest in placing the Masonic building on the National Register once the inventory is completed.

Digital Equipment Corporation (DEC) owns and occupies the old Assabet Mill in the center of town as its headquarters; they may be interested in preservation efforts with the town. The clock tower was recently made into a museum.

STOW

The Commission had been dormant for a number of years although the chair has stimulated new interest. When the Commission first began, there was only one person active; there are now five members. The group recently sent a letter to the Selectmen to request that a district study committee be formed with the objective of proposing an historic district in the center of town.

The current project for the Commission is to convert the old town hall into a town museum. A new building has been built for the town offices. The idea is to have an educational focus on the Stow Museum by soliciting input from the school children; they will interview the "old timers" and gather other data on their community.

SUDBURY

The Commission is quite busy and active. Recently, the Commission requested that the Selectmen increase their membership to seven. With more members, the Commission will undertake an updated inventory in the late spring.

Much of the group's work is centered on the upkeep and restoration of the historic Hosmer House. Aside from regular Commission projects including an open house, yard sale, etc., the community is gearing up for its 350th birthday this year for which the Commission will play an active role.

An unusual preservation issue has come up in Sudbury. The Wood-Davison house, the oldest house in town, dating to 1720, has been put on the market. The structure is located both in a commercial zone and a historic district. The owner of the property wants to get the benefit of the commercial land and has explored and decided against the idea of rehabilitating the building. Members of the community, including the Historical Commission, want to move the building to the Center to be placed on a parcel of town land adjacent to a structure of approximately the same age, and turn the house into a town museum. There is opposition from various factions to the idea of moving this building for fear of compromising its integrity of setting.

E. THE INVENTORIES

A portion of the first task was devoted to stimulating more activity within the local historical commissions, specifically related to the completion and update of the inventory of Historic and Prehistoric Assets in each community. Although this survey does not protect properties or sites, its completion will allow a community to make nominations to the National Register of Historic Places and to designate Local Historic Districts.

The National Register of Historic Places is the federal government's list of historic properties worthy of preservation. (MHC 1987:41) The process of designating a building/site to the register starts with the local historical commissions. With the help of the Preservation Planning staff at MHC, the property's eligibility needs to be established after which the State Review board votes on the appropriateness of the nomination application. Finally, the National Park Service decides whether or not the property can be listed on the National Register. The local commission plays an essential role throughout this process.

Local historic districts offer strong protection for the historic resources located in them. They are the "oldest and strongest form of protection for historic properties". (MHC 1987:40) In 1978 the Supreme Court confirmed the constitutionality of local preservation with Penn Central Transportation Co. vs. New York City. Local districting does not constitute a "taking" of a property owner's rights. (MHC 1987:44)

MHC stresses the importance of completing the survey so that a comprehensive list of significant historical resources in the community exists. It is essential to know what the historical assets of a town are before a strategy for their protection can be established. The MHC "Preservation Planning Manual" is an excellent document that describes in detail the role of the local historical commissions and the tools available to them to undertake the protection and preservation of these resources.

To increase participation in the survey process, MAGIC devoted one of its monthly meetings to an information session with members of the state commission staff. The ten local commissions were invited to bring any concerns and questions they had about the state historic programs. James Bradley, Director of Preservation Planning and Maria Letunic, staff counsel, gave very detailed and informative talks about the many facets of the Massachusetts Historical Commission. There was enough interest and "confusion" about the historic inventory that an inventory workshop was scheduled a month later. Since MAGIC is composed of ten communities, such a workshop greatly eased MHC's job of educating all of its constituents about the process. Representatives from seven of the ten MAGIC communities attended and MHC staff clarified much about the requirements for completion of the inventory.

Table 1 shows the number of forms on file at MHC for each of the MAGIC community surveys.

Table 1

MAGIC COMMUNITY INVENTORIES
on file as of April 1989

	<u>Building forms</u>	<u>Area forms</u>	<u>Historic Archeological sites</u>	<u>Structure/ Monument forms</u>	<u>Prehistoric Archeological sites *</u>
<u>Acton</u>	92	0	1	2	7
<u>Boxborough</u>	44	0	0	0	2
<u>Carlisle</u>	4	0	0	0	5
<u>Concord</u>	216	5	9	1	115
<u>Hudson</u>	140	2	0	4	2
<u>Littleton</u>	62	0	0	2	0
<u>Marlborough</u>	120	0	3	10	1
<u>Maynard</u>	52	5	0	12	2
<u>Stow</u>	180	0	0	13	2
<u>Sudbury</u>	262	0	4	5	55
Total	1172	12	17	49	208

* Location of prehistoric-archeological sites is confidential at the discretion of the State Archeologist.

Notes:

The inventory is comprised of various forms that list specific types of resources. A building form is filled out for each individual building listed in the inventory.

The area forms are used when a section or neighborhood of town is being recorded; a number of buildings/sites can be included on these forms. Local historic districts are often listed on area forms as well.

There is a form to list historic archeological sites (HA form) such as mill or house foundations, and one for prehistoric sites (Form D) including campsites, quarries and burial grounds.

The monument/structure forms (800-900 forms) are used to identify cemeteries, bridges, monuments, dams, etc.



Figure 4. First Parish Church of Stow and Acton .

An archeologist at MHC provided the following information on the pre-historic assets in MAGIC. Prehistoric sites are well represented in many of the MAGIC communities, particularly in high sensitivity areas such as well drained knolls and terraces bordering ponds, rivers and other wetlands. Towns bordering the Concord, Sudbury and Assabet Rivers contain large numbers of prehistoric sites as a result of their high population densities during the prehistoric period. Site types in this area are diverse ranging from smaller special activity sites (hunting, fishing, quarrying and burials) to larger habitation type sites.

Preshistoric sites in the MAGIC communities also represent the full range of human settlement in the northeast from the Paleo Indian Period (12,000 - 9,000 B.P.) to the Contact Period (1500 - 1630 A.D.)

ACTON - Most of the work on the Acton survey was done in 1973 and most recently in 1987 by members of the local historical commission. The HA (historic archeological) form is for a quarry. The two 900 forms are for a monument and the Isaac Davis Trail.

BOXBOROUGH - A number of forms were completed by the Environmental Archeology Group in 1978. Boxborough is in the process of updating its inventory. The number currently on file is 44 and the local commission hopes to add to that number this summer.

CARLISLE - Carlisle's work was recorded in 1978.

CONCORD - There are several "periods" when survey work was done in Concord. The earliest group of forms was completed in the late 1960's, and the second in 1978. The forms for the newly completed West Concord area have not been filed at MHC to date. One cemetery has been noted on an 800 form while 9 sites are recorded on 900's: seven of which are homestead/ farmsteads, one road and the Isaac Davis Trail.

HUDSON - A large number of forms were completed by a group called Southworth City Design and Architecture in 1978. Twenty-five forms were completed in February 1988, some of the most recent inventory work done in MAGIC. One of the two area forms identifies the newly designated Silas Felton Historic District which passed at this year's town meeting. Of the four 900's, two are for dams, one town common and one canal.

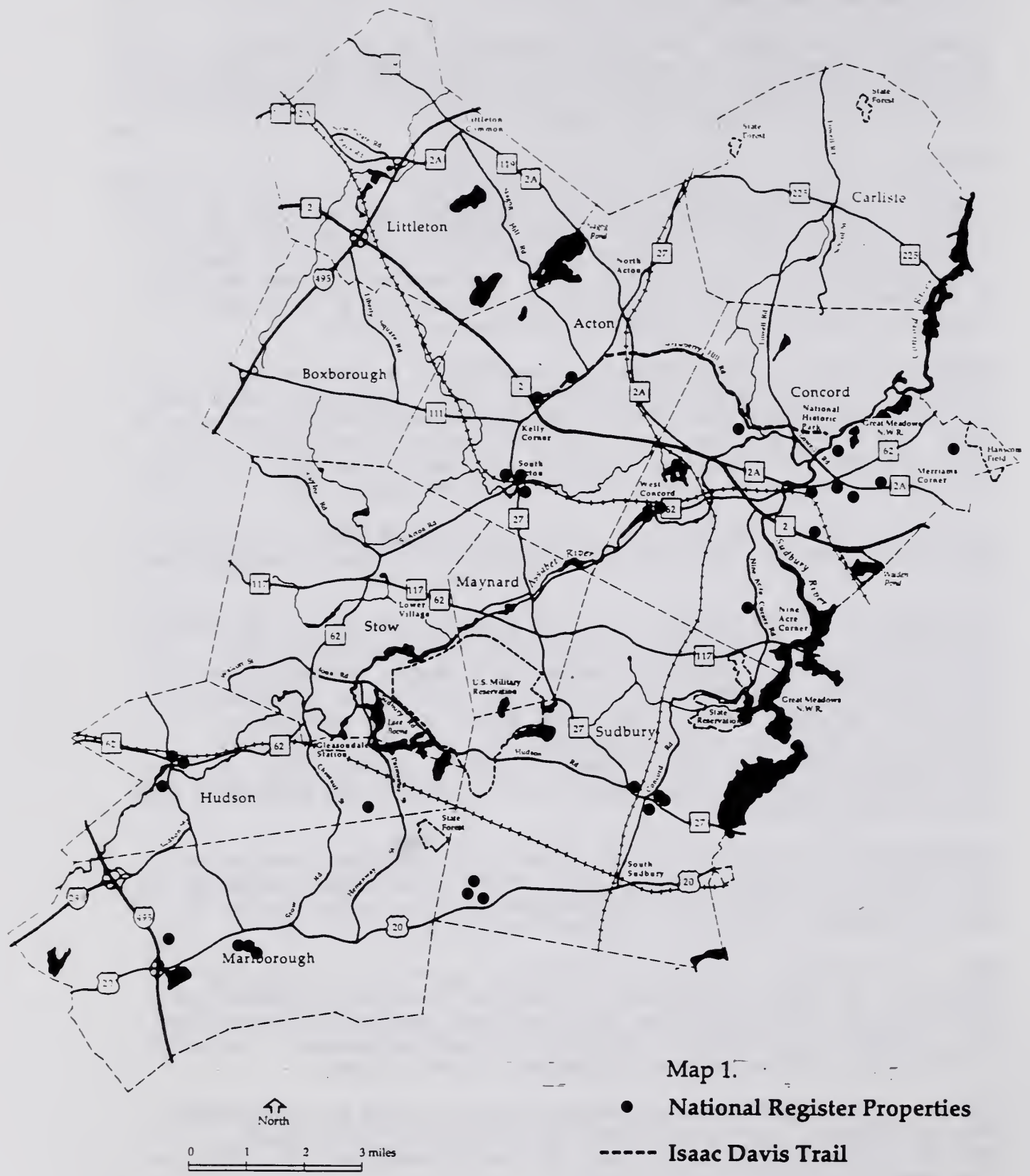
LITTLETON - Work on the forms on file was done in the 1970's. The two 800's are cemeteries. MHC expects a new group of inventory listings this year.

MARLBOROUGH - A large portion of the 120 forms for the City of Marlborough was recorded in the late 1960's. More entries are dated 1978. The chairman of the local historical commission is mostly responsible for the work done on the inventory. There are three HA forms for Marlborough including two house sites and an Indian Burial Ground. Extensive research for this site is found in MHC files. Four 800's designate cemeteries in the city. The six 900's list three monuments (two of them with statues on top), a gate, a marker and the famous John brown Bell from Harper's Ferry, W.VA.

MAYNARD - All of the current survey forms for Maynard were done in the late 1970's. The second largest number of 900's for a MAGIC community are from this town. They include: four monuments, three burial vaults, a canal, a bridge, a grist mill, a marker and a dam.

STOW - Stow received a grant from MHC to hire a consultant to do their inventory. In 1982 Architectural Preservation Association gathered 180 building forms, three 800 forms (all cemeteries) and ten 900 forms. This list includes: two bridges and two dams, two monument/markers, a windmill, a root cellar, trolley waiting station and a stone culvert.

SUDBURY - the largest number of building forms in MAGIC are from Sudbury, done in 1967-68. The four HA forms list an Indian grinding stone, a smallpox grave, a dam built by Henry Ford and a farmhouse site. There are five cemeteries (800's) in the survey.



M.A.G.I.C. Subregion

III. RESOURCES OF VALUE TO THE MAGIC REGION

A. MAGIC COMMUNITY CHARACTERISTICS

One would be hard pressed to identify any one regional resource that is found in all ten MAGIC communities. The "character" of the subregion that is so difficult to define comprises a variety of characteristics from each community. Each one has an identity of its own as well as some shared identity with its neighbors.

It is perceived that some MAGIC communities are more similar than others. For example, Littleton, Stow and Boxborough share the I-495 corridor as well as being considered rural towns. The Federal Census estimates for 1986 (see Table 2) indicate that these three MAGIC towns have the lowest population in the subregion with the exception of Carlisle.

Table 2

Federal Census Estimates for 1986

<u>Community</u>	<u>1986</u>
Acton	17,350
*Boxborough	3,060
Carlisle	4,060
Concord	16,470
Hudson	17,550
*Littleton	7,170
Marlborough	31,180
Maynard	9,900
*Stow	5,470
Sudbury	14,140

Source: Federal Census, 1986
Metropolitan Area Planning Council, 1988

Marlborough, Hudson and Maynard are more densely developed with larger commercial centers, and therefore have an urban feel. Table 3 illustrates the percentage of each town that is residentially and commercially developed. These three communities with 14%, 7% and 6% have higher commercial acreage than the rest of the subregion.

Table 3
Land Use in the MAGIC Subregion, 1985
(in acres)

	<u>Residential acreage</u>	<u>% Res</u>	<u>Commercial acreage</u>	<u>% Comm</u>	<u>Total developed lands</u>
Acton	3846	88	239	5	4352
Boxborough	777	70	46	4	1108
Carlisle	2290	98	20	.08	2336
Concord	3906	86	126	2	4492
*Hudson	2334	80	225	7	2885
Littleton	1820	69	128	4	2610
*Marlborough	3576	68	749	14	5109
*Maynard	1023	84	74	6	1207
Stow	1855	90	118	5	2046
Sudbury	4571	93	270	5	4889
Total	25998		1995		31034

Source: Remote Sensing Project
UMASS, Amherst 1985

Concord, Sudbury and Carlisle are "bedroom" communities that tend to have large-lot single family districts. In Table 4 we see that these three towns have some of the higher priced single-family homes in MAGIC.

TABLE 4
Median Home Prices in MAGIC
1988

	<u>Median residential sale price</u>	<u># units sold</u>	<u>Median condo sale price</u>	<u># units sold</u>
Acton	\$241,000	220	\$116,000	170
Boxborough	\$290,000	18	\$81,000	91
*Carlisle	\$363,000	68	none	
*Concord	\$281,000	164	\$180,000	55
Hudson	\$165,000	251	\$121,000	87
Littleton	\$165,000	116	\$170,000	2
Marlborough	\$170,000	383	\$119,000	159
Maynard	\$161,000	124	\$178,000	58
Stow	\$235,000	83	none	
*Sudbury	\$310,000	<u>223</u>	\$170,000	<u>17</u>
Total		1650		639

Source: County Home Data
(figures rounded to nearest \$1,000)

Acton is a town that shares some of all the above mentioned characteristics. A single family home in Acton in 1988 cost \$241,000 (ranked 5th in Table 4); it also has 5% commercial development which is on the high end of commercial development in MAGIC.

Within the MAGIC subregion then, there is a great diversity between the ten communities and because of this, the dynamics of the group are exciting. From a regional planning perspective, these differences allow for the study and analysis of a number of issues that affect the region as a whole: affordable housing, open space preservation, traffic and transportation problems and economic development. This report, however, is most concerned with addressing the potential loss of subregional character. There is a consensus that the quality of life and the essence of these communities is being compromised as development encroaches on the local historical and cultural fiber. The question remains, how best to approach the task of preserving MAGIC's valuable resources.

B. REGIONAL RESOURCES IN MAGIC

Four significant regional resources in MAGIC are: The Assabet River, the Fort Devens Army Annex, Route 117 and the Lowell-Sudbury Bikeway. Since the bikeway has been in the planning process for some time, no specific preservation recommendations will be made. After discussion with the MAGIC representatives, these resources were chosen for their regional nature. Each one crosses multiple town borders and serves to connect several communities together. For this study, these and several local resources were examined along with preservation/growth management tools that can be adopted to protect them.

Some of the tools examined for this report include:

- 1) Cluster Zoning
- 2) Sign Ordinance
- 3) Riverfront Protection
- 4) Demolition Delay Ordinance
- 5) Historic Resources in Open Space
- 6) Overlay Districts
- 7) Conservation Easement



Figure 5. Assabet Woolen Mill - DEC Headquarters , Maynard .

THE ASSABET RIVER

DESCRIPTION

The Assabet River, one of the best examples of a regional resource in MAGIC, flows through six of the ten communities: Marlborough, Hudson, Stow, Maynard, Acton and Concord. The Assabet has played an important part in the development of these communities because industries, such as mills, rely on close proximity to a river. A number of mills still exist along the river, most notably the Digital Equipment Corporation whose headquarters are in the old American Wool Company Mill in Maynard.

PREVIOUS PLANS AND STUDIES

There are several plans and studies relevant to protecting the Assabet River. One deals specifically with the river; the other two offer information on preservation techniques applicable to many areas.

1. The Assabet River Plan

This document was written in 1986 by the New England Rivers Center and the Massachusetts Department of Fisheries, Wildlife and Environmental Law Enforcement (DFWELE). The plan goes into great detail about the tools available to Assabet communities to protect river lands, as well as steps needed to improve the quality of water in the Assabet.

This comprehensive document should be a starting point for local officials and planners involved in river protection. Not only does it list local protective zoning tools but state programs that are relevant to river protection:

- Scenic Rivers Program (Dept. of Environmental Management)
- Riverway Planning Program (DFWELE);
- Bay Circuit (DEM)
- Self-Help Program (Executive Office of Environmental Affairs)

It also discusses financial incentives which involve the landowner and can secure the protection of all or a portion of the riverfront property in question:

- Agricultural Preservation Restriction (APR)
- Conservation restrictions and easements
- Taxation of forest lands
- Transfer of Development Rights
- Land purchase

The report details the history, hydrology, vegetation and wildlife, and public open land for the entire Assabet corridor in a section entitled Resource Assessment. It makes specific recommendations for changes and amendments to existing local regulations, going so far as to suggest new wordings in these bylaws. Finally, a list of recommended actions for improving water quality, protecting natural areas and providing recreation access is included at the end of each community section.

One of the areas where the water quality is highest along the whole river lies in a segment in Stow. This area approaches "Class C" which is fishing and boating quality (NERC 1986:29). At this spot there are large amounts of undeveloped land along the river and the town has carefully planned the land uses here. There are two golf courses, private and town conservation land and considerable farm land along the river. Stow is also fortunate that the Fort Devens Annex abuts a portion of the Assabet River in their community. The low density on the army land has ensured the preservation of the quality of the river; however, this may change when and if development occurs on the site.

On the other extreme, one of only three areas of "particular concern" along the Assabet is the mile segment in Acton which has been polluted by a toxic waste dump and sludge from the Maynard Wastewater Treatment Plant (NERC 1986:Map 2). In conversations with the Acton Town Planner and the Assabet River Coordinator, Acton has identified this spot as the best location for a new wastewater treatment plant for Acton. This plant is necessary due to the lack of sewers in the southeastern area of Acton and contamination of the Fort Pond Brook from failing septic systems. This is an unfortunate situation since much of the river segment in Maynard and Acton is already quite urban and this parcel could provide a natural setting for passive and active recreation and boat access.

2. Dealing with Change in the Connecticut River Valley: a Design Manual for Conservation and Development.

This is another excellent document, from the Center for Rural Massachusetts at UMASS, Amherst. The report discusses various tools that can be used to achieve the goal of preserving character and valuable resources: site plan review, sign control, riverfront development, farmland and open space protection, roadway growth control.

This report challenges the conventional development of rural landscapes with a refreshing and creative approach. It is, at the same time, sensitive to the need to accommodate growth and the necessity to preserve rural character. A number of development sites under both conventional and creative scenarios are presented with scaled architectural drawings and photographs which illustrate the options. The creative scenario leaves the site much as it was before development, placing buildings off fields and vistas and away from country roads.

3. The Growth Management Workbook.

The workbook was produced at the Pioneer Valley Planning Commission as part of a grant from the Mass. Executive Office of Communities and Development. This handbook includes an extensive list of model zoning bylaws and other tools that can be implemented for various uses: managing growth, attaining a community's goals of open space preservation, town character, diversified housing and quality development. Each tool is treated separately by specifying its goals, the problem that it addresses and the methodology for its implementation.



Figure 6. CRM Manual Illustration - Before Development .



Figure 7. CRM Manual Illustration - After Conventional Development .



Figure 8. CRM Manual Illustration - After Creative Development .

APPLICABLE TOOLS

1. Development Strategies for Riverfronts

An excerpt from the CRM manual entitled Development Strategies for Riverfronts addresses the preservation of river and lakefront lands. It introduces the idea of "shoreland" zoning. In essence, this zoning overlay district protects anywhere from 250 to 500 feet from the high water mark along a river. This same "zone" could apply to lake and pondfront land such as Nagog Pond on the Acton/Littleton line. Although this example deals primarily with the Connecticut River, the ideas are applicable to any part of the state. The enclosed model mentions building setbacks and frontage distances with comparisons to existing regulations in other parts of New England. It also discusses the negative impact of clear-cutting vegetation to the water's edge (Refer to Appendix 1).

If MAGIC communities were to institute "shoreline" zoning along the banks of the Assabet, where development has not already occurred right up to the water, this land could retain its natural state. This would further protect the river's water quality by avoiding possible contamination from development.

The CRM manual also discusses Limited Residential-Recreational sub-districts. These are areas where rural land uses generally occur. In the case of the Assabet River, however, they may not be directly applicable since many segments of the river throughout MAGIC are developed. The premise remains, however, that uses that are potentially environmental hazards such as gas stations and truck stops would be best situated away from the banks of the river.

2. Model River Protection Zoning Bylaw

This model bylaw in the Pioneer Valley workbook, offers other options for protection of the Assabet River. It is a general model containing the usual purpose, permitted uses, special permit and site plan uses. It also includes standards for River Protection and Riverbank Cluster Development. The River Protection standards specify some of the same types of requirements included in the CRM Riverfront Development Strategies. Although the Pioneer Valley example identifies a smaller buffer of 100' from the riverbank, as opposed to the CRM suggested buffer of a minimum of 250', the idea of protecting the river edge is the same. No building is allowed within this buffer area.

The Riverbank Cluster contained in this model could easily be substituted with another cluster zoning bylaw written to the specification of the community. The idea here is to allow the clustering of housing, thereby providing open space that, in this case is concentrated around preserving river areas and shorelines.

FORT DEVENS ARMY DEPOT

DESCRIPTION

According to a local historian in Maynard, "time has stopped on this parcel, nothing has changed since 1942." The Fort Devens Army Depot, also known as the Annex, is situated on 2,290 acres in four MAGIC communities: 1,004 acres in Stow, 741 acres in Maynard, 478 acres in Sudbury and 68 acres in Hudson.

This property is the largest remaining expanse of undeveloped land in an area of intense suburban development. There are strong feelings in MAGIC about preserving this land if and when it becomes surplus US government property. In 1942 the United States Army acquired the land to be used as an ammunitions depot. Fort Devens bought the parcel for recreation and training facilities in 1982. Most of the land is vacant at this time.

PREVIOUS PLANS AND STUDIES

1. Intensive Archaeological Survey of the Sudbury Training Annex

Under contract by the National Park Service and the Department of the Army, an intensive survey was done of the annex in 1985. The report is entitled: An Intensive Archaeological Survey of the Sudbury Training Annex. It identifies 25 prehistoric and 28 historic archeological sites, several of which may be eligible for the National Register. The objective of the survey was to document and evaluate the archeological and historic resources on the property. As part of this report, an extensive geologic study was conducted that identified the soils, topography, bedrock geology, evidence of glacial lakes, water, plant and animal resources.

The Annex is rich in both environmental and cultural resources. The site is unique because it has not been affected by the development pressures of the surrounding area.

Water Resources

Water resources on the property include: the Assabet River, Taylor Brook, Vose Pond, Puffer Pond (32 acres), an aquifer, swamps, bogs and wetlands which serve as recharge for the groundwater. Seven large floods have been recorded on the site (Gallagher 1984:16). Five types of wetlands are associated with Taylor Brook and Puffer Pond. This pond is connected to the Assabet by Taylor brook with its wooded wetlands. There are also a few hundred acres of wooded wetlands in the middle of the Annex. (Gallagher 1985:36). Sixty percent of the cultural resources found at the Annex are associated with the pond, brook and wetlands.

Flora

The plant life on the site is predominantly composed of seven hardwoods and four softwoods:

Soft
White Pine
Pitch Pine
Red Pine
Norway Spruce

Hard
Red Oak
White Oak
Black Oak
Birch
Cherry
Red Maple
Locust

Fauna

The list of animals, fish and birds that make the depot their home is quite extensive: deer, red fox, raccoon, mink, beaver, muskrat, skunk, rabbit, woodchuck, mice, moles, owls, hawks, squirrels, goose, ducks, herons, pheasant, ruffed grouse, woodcock, mourning dove, crow, songbirds, turtles, frogs, pickerel, large-mouth bass, yellow perch, sunfish, crappies, eels, horned pout.

Roadways

There are several old roads and evidence of farms and residences in the Annex. Rail was available in the mid 1850's from Acton to Assabet Mills (Maynard) with an extension to Marlborough (Gallagher 1985:41). In 1851 there was a connection between Maynard and Hudson and by 1881, one could travel by rail from Concord to Framingham via Sudbury. By the early 1900's roads supplanted streetcars and trains.

Puffer, White Pond and Old Marlborough roads, some of the earliest ones in the area, are still intact on the property. The original Old Marlborough Road is still a dirt trail although a portion has been paved. Sections of Old Lancaster Road are also still visible (Gallagher 1985:43). These roadways followed the natural lay of the land "following well drained level routes" (Gallagher 1985:42).

Structures

Taverns and inns were located near the intersection of well traveled roads. Residences are evident from the 17th to early 19th centuries such as Vose Tavern and Puffer House. The land uses associated with these structures were agriculture, pasture and woodland. Up until the 1940's, Finnish Immigrants lived in early 20th century homes on the property.

Land Types, Historic and Prehistoric Sites

Other land types at the Annex are cranberry bogs, stone walls and quarries and small mills. As stated above, 28 historic sites and 25 prehistoric sites have been identified in this report. The historic sites are primarily cellar holes, foundations of farmhouses and residences/taverns and wells. The prehistoric sites are primarily large or small temporary camps. Each site has been very thoroughly documented with a description of the site, boundaries, condition of site, features and existing historical documentation and a detailed list of fragments found on the site. The report also includes a statement of significance for each one.

In one section of this archaeological report there is a summary table showing ground disturbances and related military uses. On-going and planned site activities that could affect cultural resources (Gallagher 1985:110) are as follows:

training course
helipad
roadwork
beach
boat launch and campsites (Puffer Pond)
snowmobile and bridle paths
forest management plans

The sample area for the study was 500 acres. The authors recommend additional inventory work at the Annex. There are 19 additional potential archeological resources that could be affected by this further military activity (Gallagher 1985:114).

Zoning on the site varies among the four towns. Stow has zoned the property for recreation/conservation. Hudson has zoned it residential with a 30,000 s.f. minimum lot size. Sudbury and Maynard have changed the zoning on this site in recent years. At the suggestion of the Dept. of Environmental Management, Sudbury rezoned the annex from single-family residential to open space. It is interesting to note that Maynard has also rezoned to open space after meeting with MAGIC and discussing the future of this federal land.

As far as eligibility for the National Register is concerned, there are two historic sites that could qualify (Rice or Vose Tavern and the Puffer farmstead); five are ineligible and twenty-one would need more investigation. Of the prehistoric sites, three are significant. Another twenty-one require more research and one site has been altered to the extent of losing its integrity (Gallagher 1985:114). Several of these findings are in close proximity to Puffer Pond and could therefore qualify for listing as a National Register District (Gallagher 1985:143).

2. Historic Preservation Plan

The report briefly mentions an Historic Preservation Plan of Fort Devens (Gallagher 1985:146) and suggests that future inventory activity and discovery of additional sites be relayed to the Directorate of Housing and Engineering at the Annex.

APPLICABLE TOOLS

It can be assumed that some development will occur on this large tract of land. The following model bylaws are applicable to the reuse of the army property.

1. The Hopkinton Open Space and Landscape Preservation Bylaw (OSLP)

This bylaw replaces an existing open space bylaw in Hopkinton. The new regulation is geared to the preservation of the physical qualities on the site; namely, the landscape. Because of this, it would be a valuable tool for MAGIC communities interested in preserving some of their visual resources. Open space protection goes one step further with this model. It protects a very important part of our living space and does not just allocate 30-50% of a site into isolated strips of grass and bushes.

If, for example, a large parcel of residentially-zoned land abutting Puffer Pond in the Fort Devens annex were to become available for development, an OSLP bylaw such as this could ensure the preservation of a particular landscape associated with the site. Large contiguous areas of open space are encouraged. A more conventional subdivision, or even a typical cluster, might place the housing around the perimeter of the water leaving the pond looking like the middle of a doughnut with a token ring of "green." Since Hopkinton's bylaw requires that a registered landscape architect prepare the concept plan, careful attention to the physical and scenic qualities of a site will not be neglected. This requirement is a departure from the norm and "probably one of the most important lines in the bylaw," according to its author Nelda Hoxie.

The bylaw gets quite specific in its development standards where the treatment of soils, storm runoff, erosion and sedimentation control are addressed. It goes so far as to suggest that natural features on the site be enhanced when possible. This regulation suggests that open space and cluster zoning can be used to preserve "character" by maintaining the integrity and context of a particular physical characteristic of a site. (A copy of the bylaw is in the appendices).

The author of this bylaw, along with a group of developers who are implementing it, made a presentation to the MAGIC group. They illustrated the layout of the proposed development including a significant percentage of open space on the site. This open space is uniquely laid out along the roadways and view corridors.

2. The Marshfield Historic Preservation Development Incentive Bylaw

The town of Marshfield has recently written an amendment to its cluster zoning bylaw. It allows for the preservation of historic features within a cluster development, by special permit. (Refer to the copy of the bylaw in Appendix 1)

The purpose of the bylaw is to implement historic preservation within the development of cluster housing. One of the performance standards of the bylaw requires the preservation of historic structures and sites, scenic vistas, natural features and old historic ways. As with any cluster bylaw, a percentage of land must remain open. In this case, if possible, this land should be retained for historic preservation with passive recreation uses allowed. There is a requirement that the development be sensitive to the existing landscape.

Although no specific design guidelines exist, consultation with the local historical commission regarding architectural style is required. Proper vehicular access is also addressed; however, a determination is made for this and other infrastructure as it relates to any existing historic qualities on the site.

FUTURE ACTION

Both of these bylaws, as well as a standard cluster bylaw, are most appropriate for the Fort Devens Annex. There are historical and environmental resources on the property and such regulations could be

successfully applied. The communities should assess and evaluate current land uses and densities on the property. Decisions can then be made about how the community would like to see the land developed and any zoning changes needed to accomplish this.

For residentially-zoned land, clustering the housing on the site will ensure that open space and visual and scenic characteristics could be protected. The illustration below shows the basic differences in the division of land between a conventional subdivision and a Planned Unit Development (PUD), or cluster.

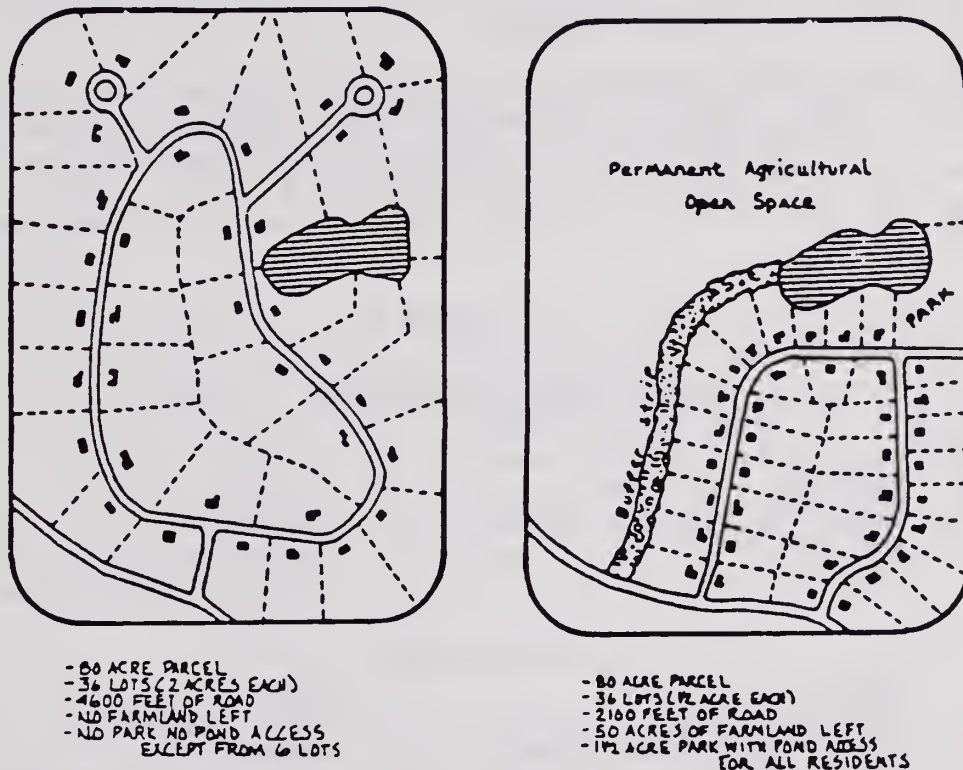


Figure 9. Principles of Planned Unit Development .

The basic principle of "planned unit development" is to preserve open spaces and natural features by grouping buildings closer together than would ordinarily occur under traditional zoning. Typical rural zoning, which requires 2-acre lots with 200 feet of street frontage, is wasteful of land. Instead of spacing homes 200 feet apart, they could be located on "cluster lots" with smaller proportions (say 30,000 sq. ft. with 100 feet of frontage). Or they could be developed as condominiums with no lot lines between units, where all the land is jointly-owned open space, if this style of ownership is preferred.

The major advantage of planned unit development is that it protects the resource which originally made the area attractive for construction, be it a lake shore, a wooded hillside, or a farm. It has the added advantage of reducing the length of roads (and utility lines, where applicable) which must be provided and maintained.

Source:

Monadnock Perspectives, 1983.

There are several instances where this bylaw might be applicable elsewhere in MAGIC: the Poor Farm in Littleton, a small pox grave in Boxborough or the lime kilns in both this community and Concord. The intent of the regulation would be to ensure that these resources be treated as historic features that are set aside and protected from residential development around them.

ROUTE 117

DESCRIPTION

Route 117, which runs from Rte. 128 out beyond Interstate 495 to Leominster, passes through four MAGIC towns: Concord, Sudbury, Maynard and Stow. This section of Rte. 117 through MAGIC is approximately 10 miles long and retains many of the characteristics of a small, country thoroughfare. Development along the road is limited and most of this 10 mile section is zoned residential.

A windshield survey found that commercial development along Route 117 in these four towns consisted of two car dealerships, several gas stations, two mall-like developments, a restaurant, one office building in a restored structure and a nicely landscaped R & D park. The rest of the highway has some nurseries, fields, bodies of water and residences.

Table 5

Land uses along Rte.117 in MAGIC

<u>Concord</u> Nine Acre Corner (retail) gas station nursery	<u>Sudbury</u> restaurant sand pit landscaped office park
<u>Maynard</u> gas station restored office building car dealership	<u>Stow</u> 2 gas stations nursery large construction site mall car dealer realtor

Source: Windshield survey, spring 1989

APPLICABLE TOOLS

1. Scenic Road Designation

As a regional resource with environmental and scenic assets, Rte. 117 is a good candidate for a Scenic Road. However, this is a numbered state highway and therefore is not eligible for this local designation. The MAGIC communities do, however, have an option, to protect the scenic quality of this roadway. First, they should ask themselves what they want the highway to look like in 50 years. Careful consideration of the zoning along the road will ensure the goal of maintaining the road's rural and scenic quality.

***At press time, new legislation has been filed by Senator William Golden to make numbered highways eligible for Scenic Road designation.

2. Zoning

Zoning offers much greater protection to a roadway than a local scenic road bylaw. The scenic road bylaw precludes the removal or cutting of trees and the destruction of rock walls without consultation with appropriate boards in town. On the other hand, the zoning along a road or highway controls what land uses are allowed along such a road. In order to best maintain a rural character, the roadway would have to be zoned low-density residential or agriculture along its entire length. Since this is not the case with portions of Rte. 117 in MAGIC, restrictions affecting what the roadway looks like will have to relate to the commercial and/or industrial zones. For a start, a community may institute a parking design requirement such as the one in Sudbury, where all parking must occur in the back of the buildings. Side parking can also be required.

3. Sign Ordinance

Another very important tool that can improve the visual quality of a road, is a strong sign bylaw. The CRM manual has a very thorough and clearly written model sign ordinance: Comprehensive Model Signage Bylaw. (Please refer to Appendix 1.5) These bylaws can control every aspect of signage from materials, size, location of the sign and number of signs, to special districts where specific signs are allowed. A community can dictate whether or not it wants neon or lighted signs or require the removal of signs that do not comply with the regulation.

LOWELL-SUDBURY BIKEWAY

The Lowell-Sudbury Bikeway is a 21 mile segment of abandoned railway that has been proposed for a regional bikeway. This bikepath has been of great interest to MAGIC for a few years. Some MAGIC representatives feel very strongly that this is a regional resource "that should not be allowed to slip out of our hands." Letters of support for the bikeway have been sent on MAGIC's behalf to the Department of Environmental Management. This section of abandoned railroad begins near the Lowell-Chelmsford line, continues through Chelmsford, into small sections of Westford and Carlisle, through Acton where portions of the tracks are still being used by some businesses, across southwestern Concord and down into Sudbury where it ends just before Rte. 20.

PREVIOUS STUDIES/REPORTS

1. Lowell-Sudbury Bikepath Feasibility Study

According to a feasibility study of the abandoned railway, a bicycle /hiking trail is feasible for the 21 mile stretch between Rte.3 in Lowell and Rte. 20 in Sudbury. The bikeway is intended to connect conservation

land and a network of other trails and routes. The study calculated the estimated costs of construction, maintenance and policing of the trail. Copies of this study are available from CTPS (Central Transportation Planning Staff).

There is another abandoned railway that can be considered a regional resource. This is the Central Massachusetts line which extends from Waltham to Berlin, traveling east/west through Sudbury and Hudson. The corridor is already a hiking/jogging path. Citizens have expressed an interest in converting this to a bike trail (Ryan 1988:12).

FUTURE ACTION

At the latest update, DEM has decided to proceed with the design of the northern portion of the trail which extends from Lowell to Carlisle. A group of interested citizens has met to identify and continue to work on areas that need to be addressed before the design phase can commence on the lower 14 mile section. Two important issues remain: 1) crossing of Rte. 2, and 2) use of the active 5 mile section between North Acton and West Concord. MAGIC has agreed to continue to support this regional project and will track its progress in the coming year.

ADDITIONAL PRESERVATION TECHNIQUES/TOOLS

Below is an explanation of several preservation techniques that can be applied to other historic and environmental resources in MAGIC. Sample bylaws are explained and included in Appendix 1.

1. Demolition Delay Ordinance

Facing the Littleton Common there stands a sole farm residence, the last of what used to be a group of houses that surrounded the Common in the heart of Littleton. This home has been empty for some time and the heirs wish to sell. While the historic fabric of the center has disappeared with the onslaught of gas stations, lawyers offices and a convenience store, a demolition delay ordinance could provide time to study viable alternatives to losing the house.

These ordinances are adopted at the local level and can be written to the specific needs of a community. The demolition bylaw will not prevent the destruction of a building of historical significance since it is only a delay in the issuance of a demolition permit. During this "grace period" (usually six months) active historical commissions can pursue options with the property owner. According to an article in a spring 1987 MHC Newsletter these could include ..."locating tenants to make preservation economically viable, developing new uses for the building, or locating a buyer willing to preserve the property."

Unfortunately, the presence of a demolition ordinance on the books will not ensure saving an endangered structure. It is most important that the local historical commission actively negotiate with the property owner. Otherwise, the time period will elapse and the owner may proceed with plans to demolish. Demolition delays work most effectively when linked with an existing local historical district. It is important that there be a commission and/or group that can back up the decision to save the endangered structure. The ordinance also strengthens the authority of a local historical commission.

The City of Newton has an excellent demolition delay ordinance entitled Demolition of Historically Significant Buildings or Structures. It contains a demolition plan review not found in several other bylaws reviewed for this report. This demolition plan, which must be filed if the Historical Commission finds that a building proposed for demolition is historically significant, requires specific information about the state of the building, a reason for demolition, and if possible, an economic justification for such action. Upon review of said plan, the Commission must report whether the building should be "preferably preserved." If this is the case, a demolition permit will not be issued for six months during which time the owners must investigate alternatives to demolition. A copy of the bylaw is found in the Appendix.

2. Agricultural Preservation Restriction Program

Nagog Pond sits on the Acton/Littleton line. From Rte. 2A in Acton, one can look up over the clear waters of this sizeable pond and see a beautiful parcel of farmland. A portion of this property runs right up to the waters edge with rock walls and a tree line that follows the sloping contours of the land. Across a narrow country road are the apple orchards that grow up a steep slope. A group of white farm buildings sit at the top of the hill behind which more trees grow in neat lines across the fields. This scene is no longer very typical in MAGIC, or in Metropolitan Boston, and it is this type of landscape that many are anxious to retain for future generations.

The state run Agricultural Preservation Restriction Program (APR) is a tool available to farm owners who wish to retain their farmland. The owner of such a farm in Littleton could have a permanent restriction on his/her farm and thereby preserve both a valuable visual resource for the neighboring communities, and a viable option to farm the property.

The APR was mandated by the state legislature in 1977 to protect farmland in Massachusetts. This voluntary program allows farmland owners to apply to the Department of Food and Agriculture to sell a restriction (otherwise known as development rights) on their property. The Agricultural Lands Preservation Committee then appraises and approves lands for inclusion in the program. The Commonwealth acquires these deed restrictions which prohibit all activities that would destroy the land for farming. The landowner, who retains title to the land, can enjoy the traditional rights of property ownership: the rights to privacy, to lease or sell the land and to farm.



Figure 10. Old Mill Row Houses in Maynard .

In conversations with MHC staff, it was pointed out that the APR program, while it serves the purpose of protecting and assuring farmland in perpetuity, contains no element that addresses the built structures on a site. If, for example, an old farm house/compound abuts the endangered pasture land, there is no protection written into this program to preserve either the structure itself or the landscape surrounding the buildings. Often, any development on the land is clustered around the building to keep it away from the agricultural resource. This would be a more valuable tool if it entailed joint protection that would accommodate both the farmland and the farm buildings associated with it.

3. Dutchess County (New York) Land Conservancy Model Easement

A conservation and scenic preservation easement such as the Dutchess County Land Conservancy Model in the appendix also serves the purpose of preserving "in perpetuity the open, scenic, agricultural and wooded character" of a parcel of land as well as any historically significant buildings there. The model includes restrictions about what can and cannot be built on the land, the land uses allowed, the prohibition of mining the property and maintenance of septic systems associated with the land. The easement is permanent and shall affect future owners of the property. Exhibit B goes into greater detail about permitted uses and improvements allowed on such a site. Careful attention is given to the design guidelines of any architectural/visual changes including location and placement of structures. (See Appendix 1.4)

4. Overlay Districts in Preservation Planning

An overlay district is one which overlays part of a zoning district, or a combination of zoning districts, in order to protect a resource or intensify development within the zoning district(s). Wetland areas, flood plains, and water recharge areas are regulated in many communities by overlay districts. Other communities apply this concept to concentrated growth areas, allowing development to exceed the as-of-right dimensional regulations in order to create higher density nodes than zoning would normally allow.

There are no historic preservation overlay districts implemented in the MAPC region; there are, however, communities that have devised economic development overlay districts which include design review provisions for protection and enhancement of historic or unique features. The City of Somerville, for example, has implemented an overlay zoning district which is designed to promote economic growth while protecting the unique design features of older buildings in a concentrated location. This district is called the Union Square Interim Planning District because it is a temporary designation contingent upon City Council approval. The district is currently zoned Business B and Industrial A and includes the Bow Street Historic District. Of the seven major goals listed for the district, two of them relate to the protection of the existing diversity of buildings:

- o to renovate architecturally diverse buildings
- o to maintain the aesthetic and historic qualities of the Union Square area.

One of the unique features of this overlay district is the provision for Facade Standards. These standards are listed below:

1. Any distinguishing original quality or character of a building shall not be destroyed. Nothing shall be altered without consent of the Somerville Planning Board.
2. Changes which may have taken place over time and which are evidence of the history of the building, shall be preserved.



Figure 11. Old Barn in Buxborough .

3. Any distinctive stylistic features which represent skilled craftsmanship and which characterize a building site or structure shall be conserved in a way which is as near as possible to the original appearance.
4. Historic district properties within the interim district shall be subject to review and approval by the Historic District Commission which oversees the district.

The purpose of creating an historic preservation overlay district is to protect older buildings and their surroundings for their "integrity of place". Communities have attempted to achieve this purpose in other ways, by restricting the allowable uses in zoning districts which abut the historic area. Overlay districts are one way to protect historic areas in a comprehensive manner. Though Massachusetts communities have yet to adopt this technique for preservation purposes, other states, such as Virginia, have successfully used historic preservation overlay districts for quite some time.

A valuable resource that deals with some of these tools, is the MAPC Growth Management Catalog. This compilation describes various techniques, lists their advantages and limitations and provides examples of where they are utilized in Massachusetts.

V. RECOMMENDATIONS

As part of the Regional Preservation Program (RPP) and in conjunction with discussions with MHC staff, the following recommendations are made to augment ongoing local preservation planning in MAGIC.

Upon review of the historic and cultural resources in the individual MAGIC communities, it becomes obvious that a comprehensive plan would address every aspect of growth, development and protection of resources needed for successful future planning.

One essential part of such planning practices is the mapping, not only of significant historical resources, but all resources in a town. An extensive database is another important component of a master plan. Massachusetts may at some point in the future require such plans be prepared for its 351 municipalities. In the meantime, the recommendations below and the sample bylaws provided in the appendix should serve to help communities better achieve their preservation goals. (See Appendix 7 for master plan information in MAGIC)

A. INVENTORIES

Communities that are looking for assistance in the completion of their inventories have a few options:

1) Student Help

Getting a student intern from the Boston University Preservation Studies Program is one possibility. Master's degree students often participate in field work while enrolled in the program. If a community is interested in hiring an intern for January, the Director of the program should be notified by September. Summer internships are often advertised as early as February. The contact person is listed in the Bibliography/Sources. There are out-of-state programs that may have students interested in survey opportunities in Massachusetts. These schools with graduate preservation programs include: Columbia, Cornell, Univ. of Vermont and Roger Williams College.

2) Private Consultant

A second option is to hire a private consultant to complete the work, with a matching Survey and Planning Grant from MHC. It should be noted that the matching funds at MHC are Federal dollars and readily available from year to year. MHC encourages its communities to apply for Survey and Planning grants. Twenty-four communities were funded this year and a third or more undertook inventory work.

3) Coordination with MHC

In conjunction the local commission, MHC staff can develop a program for continuing the work with volunteers and local help.

There is a progression for completing the survey work that MHC proposes to its constituents: COMPLETION, EVALUATION, PRIORITIZING AND PLANNING.

The inventory should be as comprehensive as possible and include anything that a community would like to see preserved and everything significant to

the history of the town. This list serves to create a basis for a comprehensive planning document and therefore, the whole range of resources must be a part of it. For example, a 1950's gas station at a main intersection or a 1940's school are just as valuable to the history of a town as the 18th century Victorian on Main Street.

Once the survey has been substantially completed, an EVALUATION of the data is needed; follow-up in the preservation process should not be neglected. A community may want to proceed with National and State Register Nominations, or the formation of a Historic District Study Committee. Once a town PRIORITIZES what has been identified, steps can be taken to set preservation restrictions, change zoning or adopt preservation techniques in order to protect these assets.

The final, and perhaps most important element in this exercise, is a PLANNING process. An overall preservation plan for the community is essential to a comprehensive approach to preserving important resources in a community. In addition to this, the local Historical Commission should work in conjunction with the Planning Board and the Conservation Commission. It is important to build a consensus about preservation within a community; preservation planning can be an active partner in protecting a community's character.

While reaching this consensus, communities must not overlook the advantages of private sector involvement. For example, there are sizeable areas of privately and publically owned land throughout MAGIC that are actively used by "horse enthusiasts." These groups also feel strongly about preserving the open space in their communities and have systems of trails that cross town boundaries.

In MAGIC, for example, Nagog Pond is a natural resource for the town of Concord (drinking supply). There is evidence of the Nashoba Indian Praying Town somewhere in the vicinity of this body of water. The natural resource advocates (Conservation Commission) in town ought to be aware of this and work with the cultural resource advocates in Littleton, Acton and Concord. Collaborative associations among boards and groups in town will strengthen their positions. The same can be said of using a regional approach to an issue such as MAGIC has done for this project. For more information on the overall workings of historical commissions, please refer to MHC's Preservation Planning Manual.

B. THE ASSABET RIVER

Michele Monjeau, Assabet River Coordinator has been and continues to be an active participant in MAGIC. In this position, Ms. Monjeau is the liaison for the river communities and the Department of Fisheries, Wildlife and Environmental Law Enforcement.

1) Review Assabet River Plan

MAGIC should devote at least one meeting to identifying previous recommendations from the Assabet River Plan for definitive action.

2) Implementation

MAGIC will work with Michele Monjeau and local town/city planners to implement these recommendations and investigate necessary changes, updates, etc.

C. FORT DEVENS

1) Coordinate with Sudbury Valley Trustees (SVT)

Ideally, the Sudbury Valley Trustees will receive funding from the Council on the Arts and Humanities to prepare a Master Plan for the entire site. SVT is currently waiting for notification of funding for the project. It is expected that MAGIC would work closely with SVT in conducting this planning exercise. ***At press time, the MCAH was unable to fund the project in this grant cycle.

2) Coordinate with Fort Devens

MAGIC representatives, along with the legislators from subregion, should meet with planners/personnel from the Fort Devens Annex to discuss the army's future plans for the site and express the subregion's concerns regarding the property. The montly MAGIC meeting could serve as the forum for this discussion.

D. ROUTE 117

The bill propsed to the Legislature for scenic road designation is very recent.

1) Track Legislation

MAGIC should track Senator William Golden's bill on scenic highways.

2) MAGIC Meeting

One MAGIC meeting should be devoted to discussion of the feasibility of making zoning changes along the corridor to preserve the rural quality of the road. Town planners should be included in this discussion.

INDIVIDUAL COMMUNITY COMMENDATIONS AND RECOMMENDATIONS

Many MAGIC communities have received Survey and Planning grants in the past; Stow and Acton have applied for funding this year. MHC is unable to fund the Stow project, but Acton has received a grant to finish its survey and make local historic district proposals. The following is a short list of commendations for past efforts and new recommendations from the MHC for each of the ten MAGIC communities. There is the general recommendation for those communities which have not already done so, to complete their surveys. The section of inventories above provides more information on this.

Acton - Applause to Acton for attaining funding (linkage fees) for completion of their inventory; MHC will provide a matching grant. The next step is to establish a local historic district in South Acton.

- Boxborough - There has been an impressive rebirth in Boxborough's inventory project, due to the enthusiasm and hard work of new members. They have been active in recent townwide planning activities.
- Carlisle - Carlisle recently initiated its inventory. MHC looks forward to receiving survey forms in the coming year.
- Concord - Concord needs to evaluate the entire town survey, both recent and early inventory forms. Once this has been done, an overall plan needs to be formulated that will allow the community to address conflicts such as development around Walden Woods, in a comprehensive way.
- Hudson - Praise goes to Hudson for its continued work on the inventory. They have been doing a great job; a new revolutionary war cemetery has been found and investigated. The next step is a 1 - 5 - 10 year scenario for future preservation in town.
- Littleton - MHC looks forward to seeing the initial product of their survey project from the renewed efforts within the Historical Commission.
- Marlborough - Although a good amount of survey work has been done in the past, the Commission needs to get going again. It is recommended that the Mayor take a look at the Commission membership and appoint new, active members.
- Maynard - Maynard needs to finish its inventory; this should not be a long task.
- Sudbury - The local commission is presently updating some of its older inventory forms. This will assist in the overall preservation assessment which needs to be done; tightening of zoning, identification of potential new historic districts.
- Stow - Stow is following the right path by proposing to do a town-wide preservation plan. The lack of funding this year is quite unfortunate but prioritizing preservation activities is essential. Maybe a National Register nomination is the next step.

Regarding the local historical districts in MAGIC, many of them are Special Act Districts of the Legislature. MHC feels that it would be beneficial to have these districts come under the provisions of Chapter 40C, which gives a community local authority to establish an historic district. The state enabling legislation is a much stronger, comprehensive protection. The ground rules are already established under 40C and the community does not have to devise the provisions and regulations for its historical districts by itself. A Special Act district requires this of the local commissions.

These SA districts, which were established before the enabling legislation was in effect, are more easily challenged and require a greater responsibility on the part of the local historical commission. MHC urges MAGIC to make their local districts a more useful planning tool under the enabling legislation. Chapter 40C districts have the added advantage of being able to draw on the experiences of all communities in the state that have such districts.

VI. IMPLEMENTATION

For the purposes of implementing the recommendations regarding the local historical commissions, a joint MAGIC meeting should be held once every six months for the commissions to discuss and update the group on their activities. This will ensure that the recent momentum in preservation activity will not be lost.

The other issues highlighted by this study will be implemented via regular monthly MAGIC meetings.

By the time this final report is published, a meeting with the affected MAGIC communities and General Service Administration officials will have taken place to initiate a dialogue regarding the Fort Devens Annex. One meeting in the fall of 1989 will be devoted to discussing the outcome of this meeting.

Another meeting during the fall/winter will be held to plan actions on the Assabet River recommendations. Michele Monjeau, Assabet River Coordinator will be invited to attend.

Later in the winter, MAGIC will spend one meeting outlining the goals of the four Rte. 117 communities, for the preservation of this corridor. The zoning and current uses along the road will be carefully reviewed.

SUMMARY OF PROPOSED MAGIC MEETINGS

October/November - update on the status of the Fort Devens talks and planning of strategy for future actions.

November/December - Assabet River coordination with town planners and River Coordinator.

January/February - Planning session on future uses along Rte. 117.



VII. CONCLUSION

There is a very definite reason why this project has been named a program instead of a plan. Rather than fall victim to the age-old adage "a plan that sits on a shelf," this report is meant to foster awareness of the regional riches the MAGIC communities share. The three main regional resources are the obvious ones and therefore easier to identify, and with the use of the enclosed tools, to protect. Of course, the model bylaws can and should be used in every instance applicable in MAGIC. When significant farmsteads, lakefronts, pastures, a one-room school house or an historic trail is protected against development, it adds to the cultural character and strengthens the sense of place in the subregion.

The RPP contains no step-by-step formula for preserving MAGIC's resources. The communities can, however, investigate the adoption of some of the bylaws contained in this report in anticipation of adverse impacts on some of these assets. The foresight to have the zoning and protective measures in place will ensure the timely and appropriate preservation of those areas that communities would like to see maintained for the future.

APPENDIX 1.
MODEL BYLAWS

1. Protective Development Strategies for Riverfronts and Lakefronts
2. Model River Protection Zoning Bylaw
3. Hopkinton Open Space and Landscape Preservation Development
4. Marshfield Historic Preservation Development Incentive
5. Comprehensive Model Signage Bylaw
6. City of Newton - Demolition of Historically Significant Buildings
or Structures
7. Agricultural Preservation Restriction Program
8. Dutchess County Land Conservancy Model Easement

Protective Development Strategies for Riverfronts and Lakefronts

Introduction and Statement of the Problem

The land located along the water's edge has long been recognized as having significant ecological and aesthetic values. This is particularly true along the upper reaches of the Connecticut River in Massachusetts, which retains much of its natural appearance in most areas, due to the very limited amount of 20th century development within the viewshed of river users. Following several decades of massive public expenditure to reduce pollution of this major regional waterway, the Connecticut River is becoming ripe for new residential subdivision proposals. Without adequate controls, riverfront land is highly vulnerable to development in which new homes crowd the banks and in which all natural vegetation is removed to create broad open views across a succession of suburban back yards, straight down to the water.

However, this scenario is not inevitable. The river need not become the backdrop to linear subdivisions staring at each other from opposite banks. The following sections outline a hopeful strategy, based upon solid and practical experience elsewhere, to guide development with a more sensitive hand. The result can be more creatively designed development patterns which gently fringe this significant natural resource, rather than infringing heavily upon it.

Framing a Positive Strategy for Conservation and Development

Although several states (including Maine and Wisconsin) have, since the early 1970's, required all municipalities to adopt and enforce fairly stringent minimum standards for locating new development in this "shoreland" zone, in the Commonwealth such protection depends upon the local initiative of individual towns and cities, under Home Rule provisions and the Zoning Enabling Act. The paragraphs below introduce the concept of "shoreland zoning" to Massachusetts communities, and provide sample bylaw language which would protect this fragile and unique natural resource from insensitive development, while respecting the property rights of private landowners.

Stated in its simplest terms, "shoreland zoning" is typically implemented through "overlay districts" which set more protective requirements on new development, in terms of the array of permitted uses, lot sizes, building setbacks, and environmental performance standards. In this sense the concept is similar to that employed in aquifer overlay zoning. The overlay districts follow a linear pattern, covering the land within a certain distance of the resource which is to be protected (lakefront, riverfront, oceanfront, or marshland edge). The width of this regulatory zone can vary, but is usually between 250 ft. and 500 ft., measured from the normal high water mark.

Within the shoreland overlay districts, the principal control mechanisms are construction setbacks from the high water mark, restrictions on the removal of natural vegetation within a minimum buffer zone adjacent to the water, and performance standards governing land use activities within the protected zone.

Setbacks, Frontage, and Buffers

Within the Commonwealth there are presently two existing "models" to choose from, in terms of shoreland setback regulations. The Connecticut Valley Action Program has recommended that new construction along rural stretches of the river be located at least 300 ft. from the high water mark. Where the land between an existing road and the river would not allow such a setback, the distance could be adjusted down to half the distance between the road and the river. The Town of Sunderland has enacted such a provision in its zoning bylaw. At the eastern end of the state, six communities along the North River require that the combined shoreland setback and shoreland frontage be at least 300 ft.,

with minimums of 100 ft. for each component. This is a variation on the regulations of the Saco River Corridor Commission in Maine, where the same minimums apply, but where the combined setback/frontage is 500 ft. All of these are valid and legally defensible approaches, and towns could select from among them or blend the requirements into a new package (such as a combined frontage/setback of 400 ft., with a minimum 150 ft. for each component).

Restrictions on clearing of natural vegetation along the water's edge are of at least as great importance as the setback and frontage provisions. Multiple scientific studies have repeatedly confirmed the need to retain a naturally vegetated buffer strip adjacent to the water line, to filter out pollutants from storm-water run-off. Such pollutants include sediment, nutrients from lawn fertilizers, and agricultural pesticides. An absolute minimum of 50 ft. (preferably 75 ft. or more) is needed to protect lakes, rivers, and marshes from these substances, according to published research results. Within that area, clear-cutting should be prohibited; judicious thinning can be allowed through conditions attached to special permit approval. Along the North River, the standard employed in the 100 ft. buffer strip is that "the selected and dispersed cutting of vegetation for wildlife management, or to create a view of the river...shall cause negligible adverse environmental impact, particularly with respect to the stability of the riverbank and the aesthetic character of the river shoreline." The standards further specify that "no more than 35% of the number of trees, 6 inches DBH (diameter 4 1/2 ft. above the ground) or larger shall be cut in any 10 year period." In "second-growth" woodlands where there are relatively few trees of this diameter, the standards could be revised to "25% of the number of trees, 4 inches DBH," etc.

Where there is no pre-existing natural vegetation, towns could require that the developer "provide vegetation which will screen the subdivision from the water," as stipulated in Vermont's "Act 250" legislation. The width of this re-vegetated buffer strip should be at least 50 ft., and the standards should specify that the plant material consist of indigenous trees and shrubs (such as sugar maple, white oak, birch, white pine, hemlock, winterberry, elderberry, viburnum, wild rose, eastern red cedar, etc.).

Shoreland Sub-Districts

Because land alongside rivers, lakes, and other water bodies, encompasses a wide variety of current man-made and natural conditions, it makes sense for shoreland overlay zones to include different sub-districts that recognize the existing character of the land and previous development patterns. In Maine, for example, the state's Mandatory Shoreland Zoning Act contains criteria and standards for three sub-districts:

1) Limited Residential-Recreational District: This is typically the most extensive type of district, and usually applies to areas of town which are not intensively developed and which do not possess severely limiting environmental characteristics (as detailed in "3" below). Most land uses normally permitted in residential districts would be allowed here. This would generally prohibit even small-scale commercial and industrial uses. If a town's present zoning allows such uses as, for example, in a "Rural General Purpose Zone," it should, in the shoreland district, at least prohibit all uses that present a higher potential for environmental pollution (e.g., filling stations, car washes, bulk fuel storage, junkyards, truck terminals, and any facilities using or handling hazardous or toxic materials).

2) General Development District: This district would include all "shoreland" i.e., land within 250 to 500 ft. of the high water mark, that is already intensively developed for business, industry, commercial recreation, mineral extraction, or small-lot residential subdivisions. Such districts are designated primarily to exclude them from the typical shoreland requirements regarding building setback, vegetative thinning, and allowable land use, as such provisions would not be as applicable, necessary or sensible in existing built-up areas.

3) Resource Protection District: This district embraces all wetlands (both tidal and freshwater), the federally-delineated 100-year floodplain, and areas having unstable soils (subject to slumping, mass

movement, or severe erosion, when over two acres in extent). These areas are limited to agriculture and timber harvesting, with special permits issuable for "small non-residential facilities for education, scientific or nature interpretation purposes," and for "public and private parks and recreation areas involving minimal structural development" (but specifically excluding campgrounds).

In order to protect special places in which a development ban could pose legal obstacles (such as areas of significant wildlife habitat, or natural sites of significant scenic or aesthetic value, including those identified by federal, state or municipal government), a fourth type of district could easily be created. In this "Resource Conservation District" the concept of "compulsory clustering" of new development could be introduced. Development would not be prohibited, but it could be required to be located as far as possible from the resource to be protected (such as a deer wintering area, a unique geologic formation, waterfowl nesting sites, a particularly scenic view, etc.). This approach works best where the overall development density is fairly low, such as two acres per dwelling unit, in the aggregate. It should be noted that this approach would not necessarily require attached-wall (multi-unit) housing. If a town's desire is to maintain a single-family character, this district could be limited to "clustering" of detached single-family homes on individual, down-sized lots. The residual land, left over from such down-sizing, provides the vehicle for protecting the natural resource for which this district is created.

Performance Standards

Clear, detailed standards specifying how certain aspects of new development should be carried out are highly recommended. When reviewing applications for new development in the shoreland zone, the special permit granting authority will be able to refer to these standards, which help to ensure fair and consistent decisions. Compliance with these standards also reduces uncertainty for applicants, who can expect approval if their submissions meet the stated requirements. Such standards typically address a broad range of environmental and aesthetic concerns, and may include many of the "good neighbor" performance standards listed in the section of this design manual dealing with Site Plan Review procedures.

In addition to standards on setbacks, frontage, vegetative thinning (or re-vegetation) discussed above, the bylaw should contain explicit language relating to other possible negative impacts of shoreland activities, as detailed below.

- 1) **Docks and Piers:** Access to the water from lots in any proposed subdivision shall be via one common dock, whose length shall not be greater than ___ ft., and whose width shall not be greater than ___ ft.
- 2) **Campgrounds:** The setback standards for recreational vehicle sites shall be the same as for structures, but the setback for tentsites may be halved. Vegetative thinning (or re-planting) standards shall be as for structures in all cases.
- 3) **Agriculture:** Soil shall not be tilled within 50 ft. of the high water mark, and tillage of more than 20,000 sq. ft. within the shoreland zone shall be conducted in conformance with the provisions of a Conservation Plan meeting the standards of the local Soil and Water Conservation District.
- 4) **Timber Harvesting:** No substantial accumulation of slash shall be left within 50 ft. of the normal high water mark. Beyond that distance, within the shoreland zone, slash shall be disposed of so that it lies on the ground and no part extends more than four feet above the ground. The vegetative thinning standards specified for view-clearing in residential development shall also apply to timber-harvesting within 100 ft. of the normal high water mark. Beyond that point, harvesting shall be conducted on a "sustained yield" basis, with no more than 40% of the volume of trees removed with any 10-year period.
- 5) **Septic Systems:** Sub-surface disposal systems for septic wastes shall be located no less than 150 ft. from the normal high water mark.

MODEL RIVER PROTECTION ZONING BYLAW

(Based upon a bylaw developed Connecticut River communities by
Pioneer Valley Planning Commission)

D-3 RIVER PROTECTION DISTRICT

3.00 Purposes

The purposes of the _____ (town) River Protection District are to:

- a. Promote the preservation of the scenic qualities of the natural landscape along the River;
- b. Prevent any disruptions to the natural flow of the river;
- c. Protect fisheries and wildlife habitat within and along the river;
- d. Control erosion and siltation;
- e. Enhance and preserve existing agricultural lands, floodplains, and other environmentally sensitive areas along the shoreline;
- f. Conserve shore cover and encourage well-designed developments.

3.01 Scope of Authority

The _____ River Protection District is an overlay district and shall be superimposed on the other districts established by this bylaw. All regulations of the _____ (town) Zoning Bylaw applicable to such underlying districts shall remain in effect, except that where the River Protection District imposes additional regulations, such regulations shall prevail.

3.02 District Delineation

The area affected by this Bylaw shall be the portion of the _____ River under the jurisdiction of this Town, its shores, and landward up to two hundred (200) feet from each bank (as defined by M.G.L. Ch. 131, Sec. 40). All distances shall be measured in horizontal feet.

3.03 Permitted Uses

The following uses are permitted provided they are in conformance with the River Protection Standards in Section 3.09:

- a. Agricultural production, including raising of crops, livestock, poultry, nurseries, orchards, hay;
- b. Recreational uses, provided there is minimal disruption of wildlife habitat;
- c. Maintenance and repair usual and necessary for continuance of an existing use;
- d. Conservation of water, plants, and wildlife, including the raising and management of wildlife;
- e. Emergency procedures necessary for safety or protection of property;
- f. Single-family residences on frontage lots not requiring approval under the Massachusetts Subdivision Control Law, M.G.L. Chapter 41.

3.04 Prohibited Uses

- 3.041 No altering, dumping, filling, removal of riverine materials or dredging is permitted. Maintenance of the river may be done under requirements of M.G.L. Ch. 131, Sec. 40, and any other applicable laws, bylaws, and regulations.
- 3.042 No clear-cutting of existing vegetation and no more than minimal disruption of wildlife habitat is permitted except in those cases where the purposes of M.G.L. Ch. 131, Sec. 40, would be adversely affected, as determined by the Conservation Commission.
- 3.043 All other uses not specifically permitted or allowed by Special Permit within the overlay zone are prohibited.

3.05 Uses By Special Permit

- 3.051 Construction of one dock providing access to the river per parcel or set of contiguous parcels in common ownership shall be allowed upon issuance of a Special Permit from the Planning Board, as specified in _____ of this bylaw.

3.06 Uses By Site Plan Approval

- 3.061 All residential subdivisions which require approval under M.G.L. Ch. 41 shall be laid out in accordance with the cluster development standards contained in Section 3.10, and shall require site plan approval from the Planning Board, as specified in _____ of this bylaw. Each building lot and residence within a residential subdivision shall comply with Section 3.09 of this bylaw.

3.07 Additional Site Plan Approval Criteria

- 3.071 In addition to the Site Plan Approval Criteria contained in Section _____, the Planning Board shall also consider whether uses proposed for Site Plan Approval in the River Protection District meet the following criteria:
 - a. Complies with River Protection Standards in Section 3.09 and Riverbank Cluster Development Standards in Section 3.10;
 - b. Is situated on a portion of the site that will most likely conserve shoreland vegetation and the integrity of the buffer strip;
 - c. Is integrated into the existing landscape through features such as vegetative buffers and through retention of the natural shorelines;
 - d. Will not result in erosion or sedimentation;
 - e. Will not result in water pollution.

3.08 Site Plan Approval Procedures for Cluster Developments

3.081 In addition to the Site Plan Approval procedures contained in Section ____ the following procedures shall be followed in the ____ River Protection District:

- a. To promote better communication and to avoid misunderstanding, applicants are encouraged to submit a Preliminary Plan for review by the Planning Board prior to the application for a special permit. Such Preliminary Plans shall comply with the Town's Subdivision Control Regulations.
- b. The Planning Board granting of site plan approval hereunder shall not substitute for compliance with the Subdivision Control Act nor oblige the Planning Board to approve a related Definitive Plan for subdivision, nor reduce any time periods for Board consideration under that law. However, in order to facilitate processing, the Planning Board shall, insofar as practical under law, adopt regulations establishing procedures for submission of a combined Site Plan Approval Application and Subdivision Review Application which shall satisfy this section and the board's regulations under the Subdivision Control Act.
- c. A Site Plan Approval Application and Subdivision Review Application shall be submitted to the Planning Board. Following granting of Site Plan approval, a Definitive Plan shall be submitted to the Planning Board consistent with their Subdivision Regulations and in substantial conformity with the approved Special Permit Application and Subdivision Review Application, except where the Cluster Development does not constitute a subdivision under the Subdivision Control Law.

3.09 River Protection Standards

3.091 All land uses, including all residences developed either on frontage lots or within a cluster development, shall comply with the following standards:

- a. A buffer strip extending at least one hundred (100) feet in depth, to be measured landward from each bank of the ____ River shall be required for all lots within the River Protection District. If any lot, existing at the time of adoption of this bylaw, does not contain sufficient depth, measured landward from the river bank, to provide a one hundred foot buffer strip, the buffer strip may be reduced to 50% of the available lot depth, measured landward from the river bank.
 1. The buffer strip shall include trees and shall be kept in a natural or scenic condition.
 2. No buildings nor structures shall be erected, enlarged, altered or moved within the buffer strip.
 3. On-site disposal system shall be located as far from the ____ River as is feasible.

- b. All new development shall be integrated into the existing landscape on the property so as to minimize its visual impact and maintain natural beauty and environmentally sensitive shoreline areas through use of vegetative and structural screening, landscaping, grading, and placement on or into the surface of the lot.
- c. Run-off from new development shall be directed towards areas covered with vegetation for surface infiltration catch basins, and piped storm sewers shall be used only where other methods are infeasible.

3.10 Riverbank Cluster Development Standards

3.101 Residential subdivision developments in the _____ River Protection District shall be laid out according to the cluster development standards contained herein. Single-family detached dwellings, or lawful accessory buildings, may be constructed on lots in a cluster development, although such lots have less area on frontage than normally required in the underlying district, as herein specified.

- a. The minimum lot size for any cluster development lot shall be 20,000 square feet. The minimum frontage for such lots shall be 100 feet. All other dimensional requirements shall be the same as in the regulations for the underlying district.
- b. The maximum number of dwelling units permitted in a residential cluster development shall be calculated according to the following procedures:
 - 1. The maximum number of dwelling units permitted on a parcel of land shall be determined based upon one unit per acre for the net developable acreage remaining once the area of all wetlands and all areas unsuitable for on-site sewage disposal have been subtracted from the total acreage of the property, if appropriate.
 - 2. Under the supervision of the Conservation Commission and in accordance with the provisions of the Wetlands Protection Act, M.G.L. Ch. 131, Sec. 40, all wetlands shall be identified, and their area subtracted from the net developable acreage of the total parcel.
 - 3. Under the supervision of the board of Health, and in conformance with Title V, percolation tests shall be conducted for all lots in the total acreage of the property which would be developed in a standard subdivision layout. The area of those lots which is determined to be not suitable for on-site sewage disposal shall be subtracted from net developable acreage of the total parcel.
- c. All buildings, roads, drainage systems and utilities shall be laid out in a manner to have the least possible impact on the scenic qualities of the river, and on important natural resources including prime farmlands, wetlands, and tributary watercourses.
- d. The required open land within a cluster shall be determined as follows:
 - 1. At least fifty (50) percent of the net acreage remaining after the area of all wetlands have been subtracted shall be retained as open land.

2. Open land shall be configured in order to protect river areas, shorelines and other important natural resource areas such as prime farmlands to the extent feasible.
 3. All open land shall be permanently protected as provided for in Section 3.11.
- e. All residential structures and accessory uses within the development shall be set back from the boundaries of the development by a buffer strip of at least fifty (50) feet in width which shall include trees and shall be kept in a natural or landscaped condition.
 - f. The following standards shall apply to developments requiring on-site sewage disposal:
 1. The applicant shall submit a septic system design prepared by a certified engineer and approved by the Board of Health and a plan illustrating the location of water supply wells with the special permit application. No community septic system serving the development shall exceed sewage flow of 2,000 gallons per day. Septic systems shall be placed in the development to maximize the distance between systems and shall be placed within common areas rather than on individual lots. Maintenance of community septic systems shall be the responsibility of the homeowners' association specified in Section 3.12.
 2. No cluster development shall be approved unless the applicant can demonstrate to the satisfaction of the Planning Board that the potential for groundwater pollution is no greater from the proposed cluster development than would be expected from a conventional subdivision with single-family houses on lots meeting the normal lot-size requirements located on the same parcel. Where necessary, the Planning Board may hire a Professional Engineer to analyze and certify groundwater quality impacts, and may charge the applicant for the cost of such analysis.

3.11 Common Space Ownership

3.111 All common open land shall be either:

- a. Conveyed to a community association owned or to be owned by the owners of lots within the development. If such a community association is utilized, ownership thereof shall pass with conveyances of the lots in perpetuity;
- b. Conveyed to a non-profit organization, the principal purpose of which is the conservation or preservation of open space;
- c. Conveyed to the Town, at no cost, and be accepted by it for a park or open space use. Such conveyance shall be at the option of the Town and shall require the approval of the voters at a Town Meeting.

3.112 In cases where such land is not conveyed to the Town, a restriction enforceable by the Town shall be recorded to ensure that such land shall be kept in an open or natural state and not be built for residential use nor developed for accessory uses such as parking or

not be built for residential use nor developed for accessory uses such as parking or roadways. Such restrictions shall further provide for maintenance of the common land in a manner which will ensure its suitability for its function, appearance, cleanliness, and proper maintenance of drainage, utilities and the like.

3.12 Community Association

3.121 A non-profit, incorporated community association shall be established, requiring membership of each lot owner in the open space community. The community association shall be responsible for the permanent maintenance of all community water and septic systems, common open space, recreational and thoroughfare facilities. A community association agreement of covenant shall be submitted with the special permit application guaranteeing continuing maintenance of such common maintenance expenses. Such agreement shall be subject to the review and approval of Town Counsel and the Planning Board.

3.122 Such agreements or covenants shall provide that in the event that the association fails to maintain the common open land in reasonable order and condition in accordance with the agreement, the Town may, after notice to the association and public hearing, enter upon such land and maintain it in order to preserve the taxable values of the properties within the development and to prevent the common land from becoming a public nuisance. The covenants shall also provide that the cost of such maintenance by the Town shall be assessed ratably against the record owners of the properties within the development, their successors or assigns.

3.13 Non-Conforming Uses

3.131 Any lawful use, building, structures, premises, land or parts thereof existing at the effective date of this bylaw or amendments thereof and not in conformance with the provisions of this bylaw shall be considered to be a non-conforming use.

3.132 Any existing use or structure may continue and may be maintain, repaired, and improved but in no event made larger.

3.133 Any non-conforming structure which is destroyed may be rebuilt on the same location but no larger than its overall original square footage.

3.14 Hardships

3.141 To avoid undue hardship, nothing in this bylaw shall be deemed to require a change in design, construction, or intended use of any structure for which a building permit was legally issued prior to the effective date of this bylaw. Such construction may be completed within two years from the effective date of this bylaw, or such construction shall be required to conform to this bylaw.

ARTICLE: To see if the Town will vote to amend the Hopkinton Zoning By-Laws by deleting Article IX Open Space Preservation Development and replacing it with a new Article IX entitled Open Space and Landscape Preservation Development

Open Space and Landscape Preservation Development

I. Purpose

In order to provide for the public interest by the preservation of open space and natural landscape features in perpetuity, and to promote variety in single-family residential housing patterns, by encouraging development which is designed to accommodate a site's physical characteristics such as: topography, vegetation, water bodies, wetlands, open spaces such as farmlands and meadows, major scenic views and wildlife habitats, the following regulations are established.

II. Applicability

Open Space and Landscape Preservation Development shall be allowed within "Residence B" and "Agricultural A" Zoning Districts, subject to the requirement of this By-Law for those districts, and in accordance with the additional requirements specified herein.

III. General Requirements

1. Any parcel of land located within a zone permitting Open Space and Landscape Preservation Development containing ten (10) acres or more may be considered for an Open Space and Landscape Preservation Development subject to a special permit issued by the Planning Board.
2. After an Open Space and Landscape Preservation Development application has been submitted, no tree removal, no utility installation, no ditching, grading or construction of roads, no grading of land or lots, no excavation except for purposes of soil testing, no dredging or filling, and no construction of buildings or structures shall be done on any part of the development site until the application has been reviewed and approved as provided by these regulations.

IV. Permitted Uses

1. Detached single-family dwellings, as defined, including all accessory uses as permitted in the Zoning By-Law for the district in which the land lies.
2. Uses permitted within the Common Open Space as described in these regulations.
3. Recreational facilities consistent with Open Space and Landscape Preservation Development purposes.

V. Minimum Requirements

1. Size: The total area of the tract proposed for Open Space and Landscape Preservation Development shall be at least ten (10) acres.

2. Density: The total number of building lots on the tract proposed for Open Space and Landscape Preservation Development shall be calculated using the following equations. The variables for "Total Acreage" and "Wetlands" shall be entered in square feet. When the "Total Number of Lots" calculated by the equation results in a fraction, the "Total Number of Lots" shall be rounded down.

In the Residence B District:

$$\text{Total Number of Lots} = \frac{\text{Total Acreage} - (.5 \times \text{Wetlands}) - (.1 \times \text{Total Acreage})}{45,000}$$

In the Agricultural District:

$$\text{Total Number of Lots} = \frac{\text{Total Acreage} - (.5 \times \text{Wetlands}) - (.1 \times \text{Total Acreage})}{60,000}$$

3. Intensity Regulations: The Planning Board may grant a reduction of all intensity regulations of the underlying zoning regulations for all portions of an Open Space and Landscape Preservation Development if the Planning Board finds that such reduction will result in better design, improved protection of natural and scenic resources, and will otherwise comply with these regulations, provided that in no instance shall any lot deviate from the following Table of Minimum Requirements.

TABLE OF MINIMUM REQUIREMENTS

Zoning Districts

	Residential B	Agricultural A
Minimum Area	25,000 SF	30,000 SF
Minimum Frontage	50 FT	50 FT
Lot Width at Building Line	100 FT	125 FT
Minimum Front Yard Setback	40 FT	50 FT
Minimum Side Yard Setback	15 FT	15 FT
Minimum Rear Yard Setback	15 FT	15 FT

4. The lot frontage depth requirement contained in the Hopkinton Zoning By-Laws, Article Five, Definitions, Definition of Lot Frontage may be waived by the Planning Board in order to achieve the purposes of this By-Law.

5. Dead-End streets may be permitted in an Open Space and Landscape Preservation Development, but shall not exceed 1000 FT in length.

6. Common driveways may be permitted in an Open Space and Landscape Preservation Development, provided each common drive serves no more than two (2) lots.

7. Development Standards: Prior to the issuance of a special permit for an Open Space and Landscape Preservation Development, the applicant shall submit the information necessary to demonstrate that the following development standards have been met:

(a) The development will not cause unreasonable traffic congestion or unsafe conditions both within and outside of the Development.

(b) The development will provide for and maintain convenient and safe emergency vehicle access to all buildings and structures at all times.

(c) The nature of the soils and subsoils shall be suited for the intended purposes based upon the Soil Conservation Guidelines. This determination shall focus upon, but shall not be limited to the locations, design and construction of roadways, buildings, and surface water drainage systems. Soil borings or test pits may be made to provide information on soil texture, color, percolation rates and depth to the ground water table at its maximum elevation.

(d) Anticipated storm water runoff from the site shall not exceed peak runoff from the site prior to development. The applicant shall submit formal drainage calculations by a registered professional engineer for this purpose.

(e) Proper soil erosion and sedimentation control measures shall be employed to prevent sedimentation and siltation of existing surface water bodies and wetlands. In areas where the land slopes downward towards any surface water body, or fresh water wetland, proposed filling, cutting, clearing or grading shall be minimized and all such development activities shall be carried out in such a way as to retain the natural vegetation and topography wherever possible. The Planning Board may require that an erosion and sedimentation control plan be submitted if significant erosion is anticipated in slope areas.

(f) The site design shall preserve and, where possible, enhance the natural features of the property, including scenic views, by adapting the location and placement of structures and ways to the existing topography in order to minimize the amount of soil removal, tree cutting and general disturbance to the landscape and surrounding properties.

VI. Open Space Use and Design Standards

1. Within an Open Space and Landscape Preservation Development, no less than fifty (50%) percent shall be devoted to common open space. The common open space shall not include land set aside for roads and/or parking uses. The Planning Board may reduce the common open space requirement to thirty (30%) percent, if it is demonstrated that a 45,000 SF minimum lot area is required, because of soils and topographical conditions. No more than fifty (50%) percent of the common open space shall contain wetlands as defined by Massachusetts General Laws, Chapter 131, Section 40.

2. The common open space shall be designed and maintained in accordance with the following standards:

(a) Areas to remain as naturally-existing woods, fields, meadows, and wetlands shall be maintained and may be improved in accordance with good conservation practices.

(b) Common open space shall be planned as large, contiguous units wherever possible. Strips of narrow parcels of common open space shall be permitted only when necessary for access or as vegetated buffers along the site's perimeter.

(c) Common open space may be in more than one parcel provided that the size, shape and location of such parcels are suitable for the designated uses.

(d) No more than twenty (20%) percent of the common open space shall be covered by man-made impervious surfaces.

(e) Common open space may be used for active and passive recreation, conservation, forestry, agriculture, natural buffers, structures necessary for approved uses, utilities and other facilities necessary for the convenience and enjoyment of the residents, subject to approval by the Planning Board.

VII. Common Open Space Ownership and Management

1. Common open space in any Open Space and Landscape Preservation Development shall be conveyed to: (1) The Town and may be accepted by it for park or open space use; (2) A nonprofit corporation, the principal purpose of which is the conservation of open space; or (3) A corporation or trust owned or to be owned by the owners of lots within the development. If a corporation or trust owned by the owners of lots is utilized, ownership thereof shall pass with the conveyances of the lots. In any case where such land is not conveyed to the Town, a restriction enforceable by the Town shall be recorded providing that such land shall be kept in open or natural state and not be built upon for residential use or developed for accessory uses such as parking or roadway.

2. If the common open space is not to be conveyed to the Town, then the applicant shall include as part of the covenant, a provision that the common open space will be deeded as approved by the Planning Board. In addition, the covenant shall not be released until proof of ownership has been provided to the Planning Board.

3. If the common open space is not to be conveyed to the Town, the applicant for an Open Space and Landscape Preservation Development special permit must include a program describing how the common open space will be maintained in perpetuity to standards satisfactory to the Planning Board. The applicant shall also provide as part of the common open space proposal an agreement empowering the Town to perform maintenance of the common open space in the event of failure to comply with the program included in the application pursuant to the preceding sentence providing that, if the Town is required to perform any maintenance work, the owners of lots within the Open Space and Landscape Preservation Development shall pay the cost thereof and that the cost shall constitute a lien upon their properties until said cost has been paid.

VIII. Application and Review Process

The application process for an Open Space and Landscape Preservation Development is comprised of two steps. In the first step, the applicant submits a concept plan, as outlined below, which describes the overall development plan. The Planning Board shall grant or deny a special permit based upon the information contained in the concept plan. If the special permit is granted, the applicant then submits a definitive plan, as described below, based upon the concept plan. The Planning Board then reviews the plan as a definitive subdivision plan. Two separate public hearings, one for the special permit and one for the definitive plan, must be held.

1. Concept Plan

The applicant for an Open Space and Landscape Preservation Development special permit shall first submit 10 copies a concept plan as outlined below. All applications for a special permit under this section shall be referred by the Planning Board to the Board of Health, Conservation Commission and other board/agency/department for its review and comments within fourteen (14) days of its submission to the Planning Board. Any such board or agency to which applications are referred for comment shall make its recommendations and send copies thereof to the Planning Board and the applicant within thirty-five (35) days of receipt of the referral request by the Planning Board or there shall be deemed no opposition or desire to comment. The Planning Board shall not act upon said special permit until either comments from referred boards or agencies have been received, or said thirty-five (35) days from referral request have elapsed, whichever is sooner. In reviewing the request the Planning Board shall determine if the development meets

Development Standards (a) through (f) in Section V.7. A public hearing shall be held within conformance of Massachusetts General Laws, Section 9.

Concept Plan. All applicants for Open Space and Landscape Preservation Development special permits shall submit a concept plan prepared by a professional landscape architect registered in Massachusetts. The concept plan shall contain the following information, in addition to the requirements of a preliminary plan as specified in the Hopkinton Subdivision Rules and Regulations, Article IV. Section A. 2, Subsections a. through i.

(a) Existing landscape features such as steep topography, wetlands, springs, lakes and ponds, streams, rock outcrops, boulder fields, stone walls, cliffs, forest glades, drumlins, high points, hill tops and ridges.

(b) Existing open areas such as forests, farm fields, meadows, and major long views.

2. Definitive Plan

If the Open Space and Landscape Preservation Development special permit is granted, the applicant shall submit a plan in conformity with the requirements and procedures for definitive plan submission and review under the Subdivision Rules and Regulations of the Planning Board. In accordance with Massachusetts General Laws Chapter 41, Section 81R, the applicant may request a waiver from the Subdivision Rules and Regulations, if such action is in the public interest and consistent with the intent and purposes of this bylaw subdivision control law, and the special permit. The Planning Board then shall review the aspects of the Open Space and Landscape Preservation Development with regards to its compliance to the subdivision control law, and hold a public hearing as required by Massachusetts General Laws Chapter 41, Section 81T. The overall concept shall only be reconsidered if there is substantial variation between the definitive plan and the concept plan. A substantial variation shall be defined as an increase in the number of lots, a decrease in the open space acreage, a change in the layout which causes dwelling units or road ways to be placed closer to a dwelling unit within 500 FT of the project, and/or a change in the development pattern which adversely affects natural landscape features and open space. If the Planning Board finds that a substantial variation exists it must hold a public hearing on the modifications of the concept plan.

The concept design review fee will be calculated as the preliminary plan design review fee in the Hopkinton Subdivision Rules and Regulations. The definitive plan design review fee will be calculated as the definitive design review fee in the Hopkinton Subdivision Rules and Regulations.

IX. Duration of Approval

Notwithstanding anything to the contrary within/without this By-law, any special permit granted by the Planning Board for an Open Space and Landscape Preservation Development, shall become void within two (2) years from the date of issue, which two (2) years shall not included time required to pursue or await determination of an appeal referred to in Section 17 of Chapter 40A of the General Laws, unless any construction work contemplated thereby shall have commenced and proceeded in good faith continuously to completion, except for good cause. All open space shall be dedicated at the time the permit holder proceeds with construction under a building permit.

Alternative B

CONCEPT (PURPOSE): Historic Preservation Funded through Limited Development
COST: No capital costs. Increased operating budgets on a per unit basis.
(Define number of potential properties and units to which this
provisions might apply.)

PROPOSED

USE: Multi-family residential and historic preservation.
REVENUE: 0

ARTICLE: To see if the Town Meeting will vote to amend the Zoning Bylaw, Sec. 5.04, Table of Uses to provide for the granting of a Historic Preservation Special Permit as follows so as to allow the creation of multi-family or attached housing units under the provisions of cluster zoning, as provided for by adding the following new Sec. 11.09, or take any other action relative thereto:

SECTION 5.04

<u>Residential</u>	R-1	R-2	R-3	OP	B-1	B-2	B-3	B-4	I	A
--------------------	-----	-----	-----	----	-----	-----	-----	-----	---	---

4. Historic Preservation

Development	S	S	S	-	-	-	-	-	-	-
-------------	---	---	---	---	---	---	---	---	---	---

SECTION 11.09 Historic Preservation Development Incentive

For the preservation of historic features not subject to the Table of Dimensional and Density Regulations, the following conditions shall apply:

A. Applicability and Use:

1. The tract of single or consolidated ownership at the time of application shall be at least six (6) acres in size, in the case of heavily wooded parcels, and subject to approval by the Planning Board acting as the Special Permit Granting Authority. Larger minimum tracts shall be required for land in an open condition, such as agricultural lands, open fields, marshes, water, or exposed hillsides in order to preserve the integrity of the historic setting as well as structures.
2. The following uses shall be permitted: attached housing units; historic structures and community facilities (religious, recreational or educational).

B. Required Performance Standards

In addition to other minimum requirements stated elsewhere in this bylaw, the following improvements, performance standards or conditions are required for acceptable implementation of Historic Preservation in the Town of Marshfield.

1. The total number of proposed dwelling units within the development shall not exceed four (4) unit per upland acre.
2. The Board and applicant shall seek guidance from the Historic Commission to insure the protection, restoration, or preservation of said historic locations, artifacts, or structures within the proposed development. *old ways*
3. A minimum of 20 - 70 percent of the total tract area, depending on the degree of open land on or adjacent to the tract, shall be upland open space and shall be set aside as common land and shall be either deeded to the town or covenanted to be maintained as permanent preservation or "open space" in private or cooperative non-profit ownership. The higher the percentage of wooded land, available for development, the higher the allowed percentage or portion of the site to be developed (including the attendant buffer zones), up to a maximum of of 70% of the site in the most heavily wooded, well screened locations. The Board shall provide for the disposition and control of the open space land in a manner and form acceptable to them and approved by the Historic Commission and Town Counsel.
4. Such common land shall be restricted to historic preservation, open space, agricultural uses in keeping with historic croplands or pasture, non-intrusive recreational uses such as parks or walking trails, and conservation areas.
5. The development shall be integrated into the existing terrain and surrounding landscape, and shall be designed to protect abutting properties and community amenities. Building sites shall, to the extent deemed feasible by the Planning Board: (a) minimize obstruction of scenic views from publicly accessible locations; (b) preserve unique natural or historical features; (c) minimize tree, vegetation and soil removal and grade changes; (d) maximize open space retention; and (e) screen objectionable features from neighboring properties and roadways.



6. The development shall provide drainage and utilities functionally equivalent to that provided under the Planning Board's subdivisions rules and regulations.
7. Architectural style shall be in harmony with the character and scale of buildings within the tract or if none of the historic period, then as determined by the S.P.G.A. through consultation with the Historical Commission, the prevailing character in the neighborhood and the Town, through the use of appropriate building materials, screening, breaks in roof and wall lines and other architectural techniques. Variation in detail, form and siting shall be used to provide visual interest and avoid monotony. Proposed buildings shall relate harmoniously to each other with adequate light, air, circulation, and separation between buildings. Adequate separation shall mean a minimum distance of 1 1/2 times the height of the proposed buildings.
8. The maximum building height shall be three (3) stories and 35 feet.
9. The plan shall maximize the convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent ways through proper layout, location, design and detailing of facilities and dwellings.
10. The development shall have access on roads having sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic generated by the site, when added to the existing traffic stream. The Planning Board shall take special consideration of the historic nature of the property in determining the type and size of such facilities.
11. Connecting walkways with tree belts shall be provided between structures and parking areas within the site.
12. Parking areas, including maneuvering space for parking and loading areas, shall not be located within the required 40' buffer areas.
13. Parking areas shall be screened from public ways and adjacent or abutting properties by building location, fencing, and/or dense planting.
14. No parking shall be allowed on interior streets or ways.
15. Each attached dwelling unit shall have 2.5 parking spaces. (See Article 8).
16. Detached units shall have 2.0 parking spaces per unit (See Article 8).

17. Exposed storage areas, machinery, service areas, truck loading areas, adequate solid waste disposal facilities, utility buildings and structures and other unsightly uses shall be set back and/or screened to protect the neighbors and project residents from objectionable features.
18. No building shall be floodlit. Drives, walkways, entryways, and parking areas shall not be illuminated by lights higher than fifteen (15) feet, which shall be shielded to focus lighted areas only as desired, to provide safety as needed, to protect against glare, and to achieve efficient use of energy.
19. Drainage shall be designed so that run-off shall not be increased, groundwater recharge is maximized, surface and ground water quality is maintained, and neighboring properties will not be adversely affected.
20. Electric, telephone, cable TV, and other such utilities shall be underground where physically and environmentally feasible.
21. A forty (40) foot wide densely planted buffer shall be required for attached units along the front, side and rear property lines, which in the opinion of the Board provides suitable screening of abutting properties.
22. A thirty (30) foot wide densely planted buffer shall be required for detached units along the front, side and rear property lines, and between the historic features of the site and any new construction, including ways, which in the opinion the the Board provides suitable screening of new construction from the historic site and abutting neighborhood.
23. If developed for detached residences, the following conditions shall apply:

a. Each individual lot shall be subject to the following dimensional and density requirements:

Minimum Lot Area	8,000 Sq. Ft.
Minimum Lot Width	60 Ft.
Maximum Building Height	35 Ft. or 2 1/2 St.
Maximum Building Area	30 %

b. The development shall be served by public water and either public sewer or, when and where allowed, private sewer system. Said system shall meet the minimum requirements of the State Sanitary Code and the Marshfield Board of Health.

24. If the development is owned by more than one person or converted to ownership of more than one person, a non-profit, incorporated community association shall be established, requiring membership of each property owner in the development. The community association shall be responsible for the permanent maintenance of all communal water and sanitary systems, common open space, recreational and thoroughfare facilities. A community association agreement or covenant shall be submitted with the special permit approval application guaranteeing continuing maintenance of such common utilities, land and facilities, and assessing each lot a share of maintenance expenses. Such agreement shall be subject to the review and approval of Town Counsel and the Planning Board.
25. Such agreements or covenants shall provide that in the event that the association fails to maintain the common open land in reasonable order and conditions in accordance with the agreement, the Town may, after notice to the association and public hearing, enter upon such land and maintain it in order to reserve the taxable values of the properties within the development and to prevent the common land from becoming a public nuisance. The covenants shall be assessed ratable against the properties within the development.
26. The applicant shall furnish the S.P.G.A. with the necessary funds to provide for a certified historic preservation consultant both to survey the site and report findings to the S.P.G.A. prior to the public hearing, and to be present on site during all phases of site preparation, site development, and if necessary, structural rehabilitation. Said consultant shall have the authority to issue a temporary stop work order so as to protect historically or archeologically significant artifacts. The consultant shall immediately contact the S.P.G.A. and Historical Commission upon issuance of said order. The S.P.G.A. in cooperation with the Historical Commission shall place conditions or restrictions on the area requiring protection.

C. Administrative Procedures:

The Planning Board shall be the Special Permit Granting Authority (S.P.G.A.) under this Section 11.09, and shall adopt rules relative to the issuance of special permits and file a copy with the Town Clerk. The Board shall follow the procedural requirements for special permits as set forth in Chapter 40A, Section 9.

Notice of any application under this section shall require notification from the S.P.G.A. to the Historic Commission by copy or other standard form at the time of transmittal of the legal notice for publication. The S.P.G.A. may not act on such an application until 60 days has elapsed from the date of transmittal of notification to the press and Historic Commission. Failure of the applicant to provide sufficient funds for the historic preservation/archeologic consultant shall be deemed insufficient information by the S.P.G.A. and shall be cause for denial of the application without further findings since this information is vital to the approval of such an application.

D. Criteria for Review and Approval

The S.P.G.A. shall review all applications for a historic preservation development to determine the sensitivity of the site to the following criteria:

1. Compatibility with existing structures;
2. Preservation of Historic Features as identified through the Marshfield Historic Commission Inventory of Historic Sites and Structures;;
3. Acceptable design and layout of ways, streets, and paving;
4. Projected traffic increase to the local road(s) is within the capacity of the existing network;
5. Compliance with environmental standards;
6. Appropriateness of building and site design;

Comprehensive Model Signage Bylaw

1. Purpose
 2. Definitions
 3. General
 - 3.1 Permitted Signs
 - 3.2 Prohibited Signs
 - 3.3 Illumination Standards
 - 3.4 Placement Standards
 - 3.5 Safety Standards
 - 3.6 Exceptions
 - 3.7 Non-Conforming Signs *
 4. Administration
 - 4.1 Permits
 - 4.2 Fees
 - 4.3 Enforcement
 - 4.4 Removal of Signs
 - 4.5 Penalties
 - 4.6 Measurement of Sign Area
 - 4.7 Measurement of Height
 - 4.8 Variances for Signs
 5. General Standards for Specific Types of Signs
 - 5.1 Address
 - 5.2 Awning
 - 5.3 Construction
 - 5.4 For Sale/Rent/Lease
 - 5.5 Free-Standing
 - 5.6 Illuminated Signs
 - 5.7 Individual Letters or Symbols
 - 5.8 Landmark Signs
 - 5.9 Marquee Signs
 - 5.10 Moveable Signs
 - 5.11 Multiple Signs
 - 5.12 Off-Premise Signs
 - 5.13 Painted Wall Signs
 - 5.14 Political Signs
 - 5.15 Projecting Signs
 - 5.16 Public Service Signs
 - 5.17 Wall Signs
 - 5.18 Window Signs
 6. Districts and Special Regulations
 - 6.1 Types of Districts
 - 6.2 District Requirements
 - 6.2.1 Town or Village Center
 - 6.2.2 Commercial Roadside
 - 6.2.3 Scenic Roadside
 7. Maintenance
 - * 3.7 Non-Conforming Signs (alternative version)
- Appendix: Sample Sign Application Package

1. Purpose

- 1.1 To promote the safety, comfort, and well-being of the users of streets, roads, and highways in the Town;
- 1.2 To reduce distractions and obstructions from signs which would adversely affect traffic safety, and to alleviate hazards caused by signs projecting over or encroaching upon public ways;
- 1.3 To discourage excessive visual competition in signage and ensure that signs aid orientation and adequately identify uses and activities to the public; and,
- 1.4 To preserve or enhance town character by requiring new and replacement signage which is:
 - * creative and distinctive;
 - * compatible with the surroundings;
 - * appropriate to the type of activity to which it pertains;
 - * expressive of the identity of individual proprietors or of the community as a whole; and
 - * appropriately sized in its context, so as to be easily readable.
- 1.5 This bylaw is adopted pursuant to Article 89 of the Constitution of the Commonwealth of Massachusetts, and Chapter 40, Section 1 (1) of the Massachusetts General Laws.

2. Definitions

Sign: Any display of lettering, logos, colors, lights, or illuminated neon tubes visible to the public from outside of a building or from a travelled way, which either conveys a message to the public, or intends to advertise, direct, invite, announce, or draw attention to, directly or indirectly, a use conducted, goods, products, services or facilities available, either on the lot or on any other premises, excluding window displays and merchandise.

Billboard: A free-standing sign larger than thirty-five (35) sq. ft. in gross area, or a wall sign covering more than ten percent (10%) of the area to which it is affixed.

Facade: The exterior surface of a building.

Flashing Sign: A sign whose illumination is not kept constant in intensity at all times when in use, and which exhibits changes in light, color, direction, or animation. Illuminated signs which indicate the date, time, and temperature will not be considered flashing signs.

Free-Standing Sign: A self-supporting sign not attached to any building, wall, or fence, but in a fixed location. This does not include portable or trailer type signs.

Home Occupation: An activity customarily carried on by the occupants of a dwelling unit, inside the dwelling unit, requiring only hobby type equipment, and not involving:

1. the sale of articles produced elsewhere than on the premises;
2. the storage of materials or products outside of a principal building;
3. the making of external structural alterations which are not customarily in residential buildings;
4. the production of offensive noise, vibration, smoke, dust, or other particulate matter; heat; humidity; glare; odors, aromas, or scents; or other objectionable effects.

Home occupations include but are not limited to: fine art studios, dressmaking, and teaching of not more than four pupils simultaneously, or in case of musical instruction, of not more than a single pupil at a time.

Home occupations do not include such uses as: barber shops, beauty parlors, funeral parlors, commercial stables or kennels, real estate or insurance offices, auto body or repair shops, and recognized professions (except that real estate, insurance, and professional offices may be allowed as Special Permit Uses in the Rural District).

Illuminated Sign: Any sign lit by electrical bulbs, fluorescent lights, or neon tubes. Neon tubes used as abstract, graphic, decorative, or architectural elements shall be considered to constitute an illuminated sign.

Landmark Sign: An older sign of artistic or historic merit, uniqueness, or extraordinary significance to the town as identified by the local Historical Commission, or the Board of Selectmen in their absence.

Lintel: The horizontal support member across the head of a door or window.

Moveable Sign: A sign capable of being readily moved or relocated, including portable signs mounted on a chassis and wheels, or supported by legs.

Off-Premises Signs: Any sign which is not on the premises of the business, including a billboard.

On-Premises Signs: Any sign that advertises, calls attention to or identifies the occupant of the premises on which the sign is maintained, or the business transacted thereon, or advertises the property itself or any part thereof as for sale or rent.

Projecting Sign: A sign which is affixed to a building, tree, or other structure and which extends more than six (6) inches beyond the surface to which it is affixed.

Roof Sign: A sign which is located above, or projects above, the lowest point of the eaves or the top of the parapet wall of any building, or which is painted on or fastened to a roof.

Temporary Sign: A sign intended to be used for a period of no more than thirty (30) days. Exceptions for pennants and similar devices intended for civic purposes may be granted by special permit.

Wall Sign: Any sign which is painted on, incorporated into, or affixed parallel to the wall of a building, and which extends not more than six (6) inches from the surface of that building.

3. General

3.1 Permitted Signs

Only signs which refer to a permitted use or an approved conditional use as set forth in Section () of the Zoning Bylaw are permitted, provided such signs conform to the provisions of this Section.

3.2 Prohibited Signs

(a) Billboards, streamers, pennants, ribbons, spinners or other similar devices shall not be constructed, posted or erected in any zone. Exceptions include flags and buntings exhibited to commemorate national patriotic holidays, and temporary banner announcing charitable or civic events.

(b) Flashing signs, roof signs, signs containing moving parts, and signs containing reflective elements which sparkle or twinkle in the sunlight are not permitted. Signs indicating the current time and/or temperature are permitted provided they meet all other provisions of this bylaw.

(c) Any sign advertising or identifying a business or organization which is either defunct or no longer located on the premises is not permitted. Exceptions are granted to Landmark Signs which may be preserved and maintained even if they no longer pertain to the present use of the premises.

(d) No sign shall be larger than sixty-four (64) sq. ft.

(e) No sign, except for a traffic, regulatory, or informational sign, shall use the words "stop," "caution," or "danger," or shall incorporate red, amber, or green lights resembling traffic signals, or shall resemble "stop" or "yield" signs in shape and color.

3.3 Illumination Standards

(a) No person may erect a sign which flashes, rotates, or has motorized moving parts.

(b) No person may erect a sign with exposed electrical wires.

(c) Strings of bulbs are not permitted, except as part of a holiday celebration. In addition, strings of bulbs may be permitted to decorate trees at the discretion of the Planning Board, provided that such display does not interfere with neighboring land uses.

(d) No sign shall be illuminated between the hours of 11 p.m. and 6 a.m. unless the premises on which it is located is open for business.

(e) No person may erect a sign that constitutes a hazard to pedestrian or vehicular traffic because of intensity or direction of illumination.

3.4 Placement Standards

- (a) No person may erect a sign which is affixed to a fence, utility pole, or structure, or tree, shrub, rock, or other natural object.
- (b) Signs shall not be mounted on roofs or extend above the roof line (unless mounted on a parapet wall which extends above the roof line, in which case the sign may not extend above the top of said parapet).
- (c) No projecting sign shall extend into a vehicular public way, or be less than ten (10) feet above a pedestrian way.
- (d) No sign together with any supporting framework shall extend to a height above the maximum building height allowed in a district.
- (e) Signs shall not cover architectural details such as, but not limited to arches, sills, mouldings, cornices, and transom windows.

3.5 Safety Standards

No person may erect a sign which:

- (a) is structurally unsafe;
- (b) constitutes a hazard to public safety and health by reason of inadequate maintenance, dilapidation or abandonment;
- (c) obstructs free entrance or exit from a required door, window, or fire escape;
- (d) obstructs light or air or interferes with proper functioning of the building; or
- (e) is capable of causing electrical shock.

3.6 Exceptions

For the purposes of this Section, the term "sign" shall not include:

- (a) signs erected or posted and maintained for public safety and welfare or pursuant to any governmental function, law, bylaw, or other regulation;
- (b) a bulletin board or similar sign not exceeding twenty (20) sq. ft. in display area, in connection with any church, museum, library, school, or similar public or semi-public structure, provided that the top of such sign shall not be more than eight (8) feet above ground level, and provided that it does not possess any of the characteristics listed in Section 2.2 above;
- (c) directional signs solely indicating ingress and egress placed at driveway locations, containing no advertising material, and where display area does not exceed three (3) sq. ft. or extend higher than four (4) feet above ground level. Such sign will conform in all respects with the requirements of this code; and
- (d) Signs relating to trespassing and hunting, not exceeding two (2) sq. ft. in area.

3.7 Non-Conforming Signs

3.7.1 Continuance: A non-conforming sign lawfully existing at the time of adoption or subsequent amendment of this bylaw may continue, although such sign does not conform to the provisions of this bylaw.

3.7.2 Maintenance: Any lawfully existing sign cannot be enlarged, reworded (other than in the case of cinema or theatre signs, or signs with automatically changing messages), redesigned or altered in any way including repainting in a different color, except to conform to the requirements of this bylaw; and provided further that any such sign which has deteriorated to such an extent that the cost of restoration would exceed 35% of the replacement cost, shall not be repaired or rebuilt or altered except to conform to the requirements of this bylaw.

3.7.3 Replacement: Any sign replacing a non-conforming sign shall conform with the provisions of this Section, and the non-conforming sign shall no longer be displayed.

4. Administration

4.1 Permits

4.1.1 No sign shall be erected, displayed, altered, or enlarged until an application has been filed, and until a permit for such action has been issued. Applications shall be on forms prescribed by the Sign Officer. At a minimum, all applications shall include a scale drawing specifying dimensions, materials, illumination, letter sizes, colors, support systems, and location on land or buildings, with all relevant measurements.

4.1.2 Permits shall be issued only if the Sign Officer determines the sign complies or will comply with all applicable provisions of this bylaw and the state Building Code, Article 14. Such application may be filed by the owner of the land or building, or any person who has the authority to erect a sign on the premises.

4.1.3 The Sign Officer shall act within 30 days of receipt of such application together with the required fee. The Sign Officer's action or failure to act may be appealed to the Board of Appeals under the provision of Chapter 40A.

4.1.4 A Special Permit application for lighted signs, signs which are larger than those allowed by right, or signs in _____ districts shall be referred to the Planning Board, which shall make recommendations to the Sign Officer. The board may hold a public hearing if it deems necessary. If the board holds a public hearing, the Sign Officer's decision may be delayed until 45 days after the application.

4.2 Fees

A schedule of fees for such permits may be established and amended from time to time by the Board of Selectmen.

4.3 Enforcement

The (Building Inspector, Selectmen, Planning Board) is hereby designated as the Sign Officer, and is hereby authorized to enforce this bylaw. The Sign Officer is authorized to order the repair or removal of any sign and its supporting structure which is judged dangerous, or in disrepair, or which is erected or maintained contrary to this bylaw. Whenever a Sign Officer is designated, that person or board should notify the State Outdoor Advertising Board.

4.4 Removal of Signs

Any sign which has been ordered removed by the Sign Officer, or is abandoned or discontinued, shall

be removed by the person, firm, or corporation responsible for the sign within thirty (30) days of written notice to remove.

4.5 Penalties

Violation of any provision of this bylaw or any lawful order of the Sign Officer shall be subject to a fine of not more than \$100.00 per offense. Each day that such violation continues shall constitute a separate offense.

4.6 Measurement of Sign Area

- (a) Sign measurement shall be based upon the entire area of the sign, with a single continuous perimeter enclosing the extreme limits of the actual sign surface.
- (b) For a sign painted on or applied to a building, the area shall be considered to include all lettering, wording and accompanying designs or symbols, together with any background of a different color than the natural color, or finish material of the building.
- (c) For a sign consisting of individual letters or symbols attached to or painted on a surface, building, wall, or window, the area shall be considered to be that of the smallest rectangle or other shape which encompasses all of the letters and symbols.
- (d) The area of supporting framework (for example brackets, posts, etc.) shall not be included in the area if such framework is incidental to the display.
- (e) When a sign has two (2) or more faces, the area of all faces shall be included in determining the area, except where two faces are placed back to back and are at no point more than two (2) feet from each other. In this case, the sign area shall be taken as the area of either face, and if the faces are unequal, the larger shall determine the area.

4.7 Measurement of Height

The height of any sign shall be measured from the surface of the road up to the highest point of the sign. In situations where a sign is intended to be visible from two roads of different elevations, measurement shall be from the surface of the lower roadway.

4.8 Variances for Signs

Variances shall not be granted for any sign, as ample provision has been made for premises identification within this bylaw, and because true hardship as defined in state law cannot be demonstrated in signage situations.

5. General Standards for Specific Types of Signs

5.1 Address

One sign displaying the street number or name of the occupant of the premises, or both.

- (a) Such sign may include identification of an on-premise professional office or customary home occupation.

(b) Such sign may be attached to the building or may be on a post not more than four (4) feet high, and setback at least three (3) feet from the public right-of-way.

(c) Such sign may not exceed two (2) sq. ft. in area.

5.2 Awning

A sign painted on or attached to the cover of a movable metallic frame, of the hinged, roll, or folding type of awning.

(a) Such sign must be painted on or attached flat against the surface of the awning, but not extend beyond the valance or be attached to the underside.

(b) Letters shall not exceed ten (10) inches in height.

(c) A minimum of eight (8) feet above sidewalk level must be allowed for pedestrian clearance.

5.3 Construction

An on-premise sign identifying the contractor, architect, landscape architect, and/or engineer's name, address, and other pertinent information.

(a) Such signs shall not exceed twelve (12) sq. ft. in area, and shall be set back at least ten (10) feet from the street lot line, or one-half the building set-back distance, whichever is less.

(b) Such a sign may be maintained on the building or property for the interim of construction, and not more than thirty (30) days following the completion of said construction.

5.4 For Sale/Rent/Lease

An on-premise sign advertising the property being sold or rented.

(a) Such signs shall not exceed six (6) sq. ft.

(b) Such signs shall advertise only the property on which the sign is located.

(c) A maximum of two such signs may be maintained on any property being sold or rented, and they shall be removed by the owner or agent within thirty (30) days of sale, rent, or lease.

5.5 Free-Standing

A self-supporting sign not attached to any building, wall, or fence, but in a fixed location. This does not include portable or trailer type signs. Dimensional standards for free-standing signs in different districts are specified in Table 5.5.1 below, which relates requirements to the character of each area and the speed at which traffic usually travels within them.

TABLE 5.5.1

	Highway Commercial	Roadside Commercial	Village and Town Center	Residential	Scenic Roadside
Typical Speed Limit (mph)	45-55	35-45	25-35	25	35-55
Free-Standing Pole Signs					
Height (max. ft.)	16	12	10	8	10
Area (max. sq. ft.)	16	12	10	2	4
Ground Clearance (min. ft.)	8	7	7	4	7
Other Free-Standing Signs					
Height (max. ft.)	4	4	4	4	4
Area (max. sq. ft.)	24	20	16	4	6
Ground Clearance (min. ft.)	0	0	0	0	0

(a) Free-standing signs over six (6) feet in height may have no more than two (2) sides; those less than six (6) feet in height may have three (3) or four (4) sides.

(b) A lot with frontage of three hundred (300) feet or more may have two (2) free-standing signs, not less than one hundred seventy five (175) feet apart.

5.6 Illuminated Signs

(a) Signs shall be illuminated only with steady, stationary, shielded light sources directed solely onto the sign without causing glare.

(b) Internal illumination is generally discouraged, but it may be appropriate in certain circumstances, such as:

- individual back-lit letters which are silhouetted against softly illuminated wall;
- individual letters with translucent faces, containing soft lighting elements inside each letter; and
- metal-faced box signs with cut-out letters and soft-glow fluorescent tubes.

However, such signs are generally suitable only on contemporary buildings. The display of internally-illuminated plastic signs with dark-colored moveable letters shall be strictly prohibited in all districts. Moveable rented signs of this nature, existing on the effective date of this bylaw, shall be permanently removed within twelve (12) months of the date of this bylaw. Such signs which are owned by the businesses which are being identified or advertised on them shall be amortized in accordance with the provisions of Section 3.9 of this bylaw.

(c) Neon window signs may be permitted in cases where they are custom designed to be compatible with the building's historic and/or architectural character, and where their color has been selected to harmonize with the building's exterior colors.

(d) Gas-filled light tubes shall be allowed for indirect illumination and when placed in such a manner that the tubes are not exposed to view from any point along the public roadway or sidewalk.

(e) Signs shall not be illuminated directly or indirectly between the hours of 11 p.m. and 7 a.m. unless the premises are open during such hours.

(f) Illuminated signs shall not be permitted to shine onto residential properties and travelled ways.

5.7 Individual Letters or Symbols

These may be attached to an awning, marquee, building surface, wall, or signboard.

- (a) Letters or symbols shall not project more than twelve (12) inches from the building surface.
- (b) Such letters and symbols shall not obscure the architectural features of the building to which they are attached.
- (c) Such letters and symbols shall not extend above the lowest part of the roof, nor beyond the ends of the wall to which they are attached.
- (d) Letters or symbols shall have an aggregate area not exceeding 1.5 sq. ft. for each foot of building face parallel to a street lot line, or ten percent (10%) of the wall area to which they are affixed, whichever is less. When a lot fronts on more than one street, the aggregate sign area facing each street frontage shall be calculated separately.
- (e) See also Section 5.14 "Wall Signs."

5.8 Landmark Signs

An older sign of artistic or historic merit, uniqueness or extraordinary significance to the town. The character of such signs warrants their preservation in original condition, or their restoration.

5.9 Marquee Signs

A sign painted on, attached to, or consisting of an interchangeable copy reader, on a permanent overhanging shelter which projects from the face of a building.

- (a) Such signs may be painted on or attached flat against the surface of, but not extending beyond or attached to the underside of the overhang.
- (b) Letters or symbols shall not exceed twelve (12) inches in height.
- (c) A minimum clearance of ten (10) feet above the sidewalk level must be allowed for pedestrian clearance.

5.10 Moveable Signs

Moveable signs are not permitted in any district except Town or Village Center districts. In these areas, moveable signs made only of wood, and standing on legs not over four (4) feet in total height, may be allowed by special permit. Town and Village Center districts have a pedestrian orientation and therefore the smaller, personal scale of the free-standing, moveable sign may be appropriate.

5.11 Multiple Signs

A group of signs clustered together in a single structure or compositional unit. Multiple signs are used to advertise several occupants of the same building or building complex.

- (a) The display board shall be of an integrated and uniform design.

(b) The maximum sign area permitted is sixteen (16) sq. ft. for the sign bearing the name of the building or office park, and two (2) sq. ft. for the name of each business or office located there.

(c) Complexes with over 300 feet of frontage will be allowed two (2) free-standing signs.

5.12 Off-Premise Signs

(a) Informational and directional signs containing no advertising are permitted to direct traffic flow, indicate parking space, identify points of interest, locate businesses, or provide other essential information to guide vehicular or pedestrian traffic flow.

(b) Off-premise signs shall not be larger than one (1) sq. ft. in size, and shall be uniform on color, having a dark background with light colors, or a light background with dark colors. Neon or "day-glow" colors should be avoided.

(c) There shall not be more than two (2) off-premise signs per establishment.

(d) Off-premise directory boards containing small identification signs conforming to the above requirements may be permitted in special situations where visibility is a significant problem and where they can be harmoniously integrated with the environment.

5.13 Painted Wall Signs

A permanent mural or message painted directly onto a building surface. A special permit is required for all new signs of this type, and will comply with the dimensional requirements of a wall sign. Exceptions are granted to landmark signs which may be preserved and maintained, even if they no longer pertain to the present use of the premises.

5.14 Political Signs

A sign designed to influence the action of voters for the passage or defeat of a measure, or the election of a candidate to a public office at a national, state, or other local election.

(a) Such signs are permitted if they are stationary, unlighted, and temporary.

(b) Such signs shall be displayed no earlier than twenty (20) days prior to a voting day, and shall be removed within five (5) days after a voting day.

(c) Such signs may not exceed four (4) sq. ft. in area.

(d) A maximum of two (2) signs per lot is allowed.

5.15 Projecting Signs

A wall-mounted sign perpendicular to the building surface.

(a) If flat, each face shall not exceed ten (10) sq. ft.

(b) The total area of a three dimensional sign shall be determined by enclosing the largest cross-section

of the sign in an easily recognizable geometric shape and computing its area which shall not exceed nine (9) sq. ft.

(c) Such sign shall be hung at right angles to the building and shall not project closer than two (2) feet to the curb line.

(d) The supporting framework shall be in proportion to the size of such sign.

(e) Signs which overhang a public way (including sidewalks) shall be covered by a public liability insurance policy which names the Town as the insured party.

(f) The top of the sign may be suspended in line with one of the following, whichever is the most successful application of scale, linear continuity, and visibility as determined by the sign officer:

- (i) suspended between the bottom sills of the second story windows and the top of the doors and windows of the ground floor; or,
- (ii) the lowest point of the roof of a one story building.

(g) Projecting signs shall have a minimum clearance of eight (8) feet above grade when located adjacent to or projecting over a pedestrian way. If projecting over an alley or driveway, the clearance must be at least thirteen (13) feet.

5.16 Public Service Signs

A sign located for the purpose of providing directions towards or indication of use not readily visible from the street (e.g. restrooms, telephone, etc.)

(a) Such signs necessary for public safety and convenience shall not exceed two (2) sq. ft.

(b) Such signs shall bear no advertising.

(c) Such signs are not included in computing total sign area allowed.

5.17 Wall Signs

A sign which is attached parallel to the exterior surface of a building or structure.

(a) Such sign shall not project more than fifteen (15) inches from the building surface.

(b) Such sign shall not obscure architectural features of the building, not limited to features such as arches, sills, mouldings, cornices, and transoms.

(c) Such sign shall not extend above the lowest point of the roof, nor beyond the ends of the wall to which it is attached.

(d) Such signs shall have an aggregate area not exceeding 1.5 sq. ft. for each lineal foot of building face parallel to a street lot line, or ten percent (10%) of the wall area to which it is attached, whichever is less. Where a lot fronts on more than one street, the aggregate sign area facing each street frontage shall be calculated separately.

(e) Where two (2) or more wall signs are affixed to one wall, the gross display area shall be the sum total area of all signs.

(f) Wall signs shall not extend higher than the eave line or top of the parapet wall of the principal building.

(g) No part of a wall sign, including the display surface, shall extend more than six (6) inches from the building surface.

(h) The size of signs attached to buildings may be increased in area (over allowable size) by 25% for every 100 feet of building setback. This shall apply to buildings setback more than 100 feet from the road right-of-way, and the increase may be pro-rated according to the actual setback distance.

5.18 Window Signs

Any sign which is painted or mounted onto a window pane, or which is hung directly inside the window with the purpose or effect of identifying any premises from the sidewalk or street. Window signs shall not exceed more than thirty percent (30%) of the window area in which they are displayed.

Non-temporary signs hung inside windows shall be made of clear materials such as plexi-glass with lettering painted on them.

6. Districts and Special Regulations

6.1 Types of Districts

(a) **Town or Village Center:** The town center is generally characterized by traditional architecture lining the street, civic buildings often with a town common or green, and generally containing a mix of residential and commercial building uses.

(b) **Commercial Roadside:** Concentrated commercial development along roads leading to and from the town and village center.

(c) **Scenic Roadside:** A combination of limited commercial development, scattered residential areas, and agricultural land characterized largely by open space, fields, and long scenic views.

(d) **General Highway:** Open highways not near commercial districts.

6.2 District Requirements

6.2.1 Town or Village Center:

Within this district the intent of sign regulation is to ensure visual compatibility with the scale and character of the surrounding architecture. The signage must also be readable by pedestrians and people in slow-moving vehicles.

(a) **Number:** There shall be no more than three (3) types of signs employed per building, regardless of number of occupancies. (e.g. free-standing, awning, window; or wall, window and awning).

Each ground floor occupant of a building may display two (2) signs.

Each occupant in an upper level of a building may display one sign.

(b) **Materials:** All signs shall be made of wood or metal. If plywood is to be used, it must have

exceptionally smooth and weather resistant surfaces, such as those obtained with medium-density overlay ("MDO") board.

(c) Location:

- Signs should be concentrated near the pedestrian level.
- The upper facades of buildings should not be cluttered with signs.
- Signs shall not obscure important architectural details or features such as windows, transom panels, sills, mouldings, and cornices.
- Wall signs identifying commercial establishments shall generally be placed within an information band immediately above the storefront. The information band should be confined to the vertical distance separating windows on the ground and the second floors, or should be no more than two (2) feet in height, whichever is lesser.
- Signs on adjacent storefronts within the same building shall be coordinated in height and proportion, and should be encouraged to use the same signing format.

(d) Colors: Colors should be chosen to complement, not clash with the facade color of the building. Signs should normally not contain more than three colors, except in instances of an illustration. Dark backgrounds with light-colored lettering shall generally be required, as this is traditional. Examples of preferred background colors are burgundy red, forest green, chocolate brown, black, charcoal, and navy blue. Preferred lettering colors are ivory, white, or gold. "Day-glow" colors are prohibited.

(e) Size: The size of signs should be restricted to ensure that signs do not overpower the facades to which they are affixed. Not more than one and a half sq. ft. (1.5 sq. ft.) of total signage area will be permitted per linear foot of storefront.

(f) Preferred Sign Types:

- | | |
|--|------------|
| • Free-standing only as a multiple sign or with large building setback | |
| • Wall | • Moveable |
| • Window | • Neon |
| • Projecting | • Landmark |
| • Awning | • Marquee |

6.2.2 Commercial Roadside

The goal in this district is to provide legible signage for auto-oriented commercial facilities, while moderating visual competition.

(a) Number: There shall be no more than three (3) types of signs employed per building (e.g. free-standing, wall, window).

There shall be no more than three (3) separate signs on a structure unless the structure is designed for and has more than three (3) occupancies, in which case there can be one sign per occupancy plus two additional signs.

(b) Materials: The use of wood and metal signs is strongly encouraged.

(c) Location: Signs should be located where they can be most easily read, thus reducing the size needed for legibility.

(d) Colors: The number of colors should be limited to three (3). Since these signs must be legible from a distance, the degree of contrast between the background and letter color is important. Dark

backgrounds with light-colored lettering is strongly encouraged. "Day-glow" colors are prohibited.

(e) **Size:** Due to the traffic speed, and the larger setbacks common in this type of district, slightly larger signs than in Town and Village Centers are permissible. See dimensional standards for individual sign types in Section 5.

(f) **Preferred Sign Types:**

- Wall
- Free-standing

6.2.3 Scenic Roadside

The most important goal in this area is to maintain the residential character and scenic open space. The significant historic architecture often found within these districts, and the surrounding rural landscape form the essence of the existing visual quality of the scenic roadside. Special care should be taken with this quality in the style, location, design, and use of materials for signs.

(a) **Number:** Each business may display not more than two (2) signs. Each structure or complex may only display one (1) free-standing sign.

(b) **Materials:** Signs in this district shall be of wood or metal. Interior lit signs are strictly prohibited.

(c) **Location:** As in Commercial Roadside Districts, signs should be placed in clear view of traffic to minimize their required size.

(d) **Colors:** The number of colors used in a sign should be limited to three (3) unless used in an illustration. To ensure the legibility of the sign, a high degree of contrast between the background and letters is preferable. "Day-glow" colors are prohibited. The use of dark backgrounds with light-colored lettering shall generally be required. (See Section 6.2.1.d. above.)

(e) **Size:** Signs in this district shall generally be smaller than in Commercial Roadside Districts (see Table 5.5).

(f) **Preferred Sign Types:**

- Free-standing
- Wall
- Awning

7. Maintenance

A sign shall be maintained in a secure and safe condition. If the Sign Officer is of the opinion that a sign is not secure, safe, or in a good state of repair, written notice of this fact shall be given to the person responsible for the maintenance of the sign. If the defect in the sign is not corrected within the time permitted by the Sign Officer, the Sign Officer may revoke the sign permit and take possession of the permit until the owner pays the cost of removal, thus placing the sign owner in violation of the sign bylaw and liable for a fine as specified in Section 4.5.

3.7 Non-Conforming Signs and Sign Structures (Alternative Version)

Non-conforming signs and sign structures may remain except as qualified below:

(a) Other than sign maintenance, no non-conforming sign shall be reconstructed, remodeled, relocated, or changed in size or content to show a new trade name, different words, letters or numbers, new design, different colors or different logo, unless such action will make the sign conforming in all respects.

(b) Nothing in this Section shall be deemed to prevent keeping in good repair a non-conforming sign, including sign maintenance, repainting, and replacement of broken or deteriorated parts of the sign itself. Supporting structures for non-conforming signs shall not be replaced, unless such replacement will make the sign and sign structure conforming in all respects.

(c) A non-conforming sign or sign structure which is destroyed or damaged by any casualty may be restored within six (6) months after such destruction or damage only after the owner has shown that the damage did not exceed fifty percent (50%) of the appraised value of the sign. If such sign or sign structure is destroyed or damaged to an extent exceeding fifty percent (50%), it shall be removed and shall not be reconstructed or replaced unless such action makes the sign and sign structure conforming in all respects.

(d) A non-conforming sign or sign structure shall be removed within thirty (30) days if the building containing the use to which the sign is accessory is demolished or destroyed to an extent exceeding fifty percent (50%) of the building's appraised value.

(e) Each non-conforming sign and sign structure shall be allowed to be displayed for a period of time that provides a reasonable opportunity for the owner to benefit from the investment made in the sign. This period shall be seven (7) years. After this time period has expired, non-conforming signs and sign structures shall be removed or otherwise brought into compliance with this bylaw. The table below establishes a fair and equitable time schedule for such compliance:

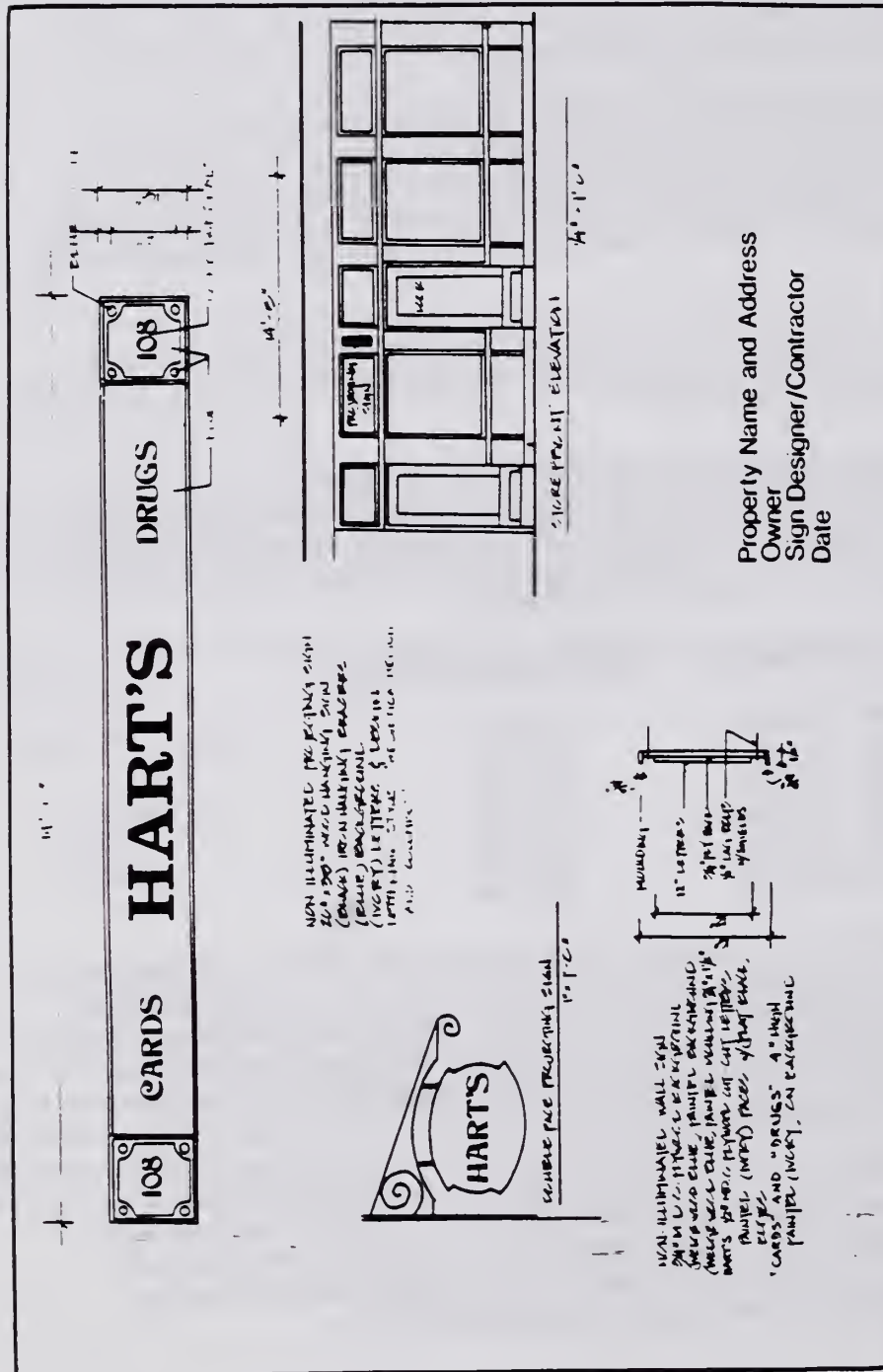
<u>Date of Installation</u>	<u>Date of Required Removal</u>
1/1/87 - 12/31/87	12/31/94
1/1/86 - 12/31/86	12/31/93
1/1/85 - 12/31/85	12/31/92
1/1/84 - 12/31/84	12/31/91
1/1/83 - 12/31/83	12/31/90
prior to 12/31/82	12/31/89

Any signs not removed within the time limit herein stated shall be deemed a public nuisance, subject to the removal provisions of this Section, and shall be removed by the Town of _____ if the sign owner or property owner fails to do so after being so ordered by the Sign Officer. Costs of said removal shall be borne by the sign and/or property owner and may be recovered by the Town, if necessary, in an action of contract in the District Court, or by placing a lien, in accordance with appropriate state law, on the property from which the sign has been removed.

(f) Removed Signs to be Stored: A sign or sign structure removed by the Town shall be held not less than thirty (30) days by the Town during which period it may be recovered by the owner upon paying the Town for cost of removal and storage, and upon payment of any imposed fine. If not recovered within the thirty (30) day period, the sign or sign structure is hereby declared abandoned and title thereto shall be vested in the Town for disposal in any manner permitted by law.

Sample Sign Application Package

To conduct an effective sign review process, and to ensure the uniformity of decision-making in interpreting the Sign Bylaw, it is important the Town require uniform and complete sign application packages. The sign application package should consist of three main parts: a photograph or elevation drawing illustrating and describing the sign location; a sketch and cross-section of the proposed sign (drawn to scale, noting all dimensions, materials, paint color, and mounting methods); and a written application. To save time, effort, and money on the part of both the applicant and the sign officer, a copy of a sample application, the sign bylaw, and sign design guidelines should be given to all applicants.



IN BOARD OF ALDERMEN

December 1, 1986

ORDINANCE NO S-230

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF NEWTON,
AS FOLLOWS:

That Chapter 22, Article III, Historical Commissions & Districts, by title, of the Revised Ordinances of the City of Newton, Mass., 1984, as amended, be and is hereby further amended by adding to Chapter 22 a new Section 22-44, as follows:

SEC. 22-44. DEMOLITION OF HISTORICALLY SIGNIFICANT BUILDINGS
OR STRUCTURES.

(a) Intent and Purpose.

This ordinance is adopted for the purpose of protecting the historic and aesthetic qualities of the City of Newton by preserving, rehabilitating or restoring whenever possible, buildings or structures which constitute or reflect distinctive features of the architectural or historical resources of the City, thereby promoting the public welfare and preserving the cultural heritage of the City.

(b) Definitions.

For the purposes of Section 22-44, the following words and phrases have the following meanings:

Commission: The Newton Historical Commission.

Commissioner: The Commissioner of Inspectional Services

Demolition Permit: The permit issued by the Commissioner as required by the State Building Code for the demolition, partial demolition or removal of a building or structure.

Historically significant building or structure: Any building or structure which is: (1) importantly associated with one or more historic persons or events, or with the architectural, cultural, political, economic or social history of the City of Newton, the Commonwealth of Massachusetts or the United States of America; or (2) is historically or architecturally important by reason of period, style, method of building construction or association with a particular architect or builder, either by itself or in the context of a group of buildings or structures.

Preferably preserved: Any historically significant building or structure which, because of the important contribution made by such building or structure to the City's historical and/or architectural resources, is in the public interest to preserve, rehabilitate or restore.

(c) Regulated Buildings and Structures.

(1) The provisions of the Section 22-44 shall apply only to the following buildings or structures:

- (a) A building or structure listed on the National Register of Historic Places or the State Register

- (b) Any building or structure located within 150 feet of the boundary line of any federal, state or local historic district; or
- (c) Any building or structure which in whole or in part was built fifty (50) or more years prior to the date of the application for the demolition permit.

Notwithstanding the preceding sentence, the provisions of Section 22-44 shall not apply to any building or structure located in a local historical district and subject to regulation under the provisions of General Laws Chapter 40C.

(d) Procedure.

(1) The Commissioner shall forward a copy of each demolition permit application for a building or structure identified in Section 22-44(c) to the Commission within seven (7) days of the filing of such application.

(2) Within thirty (30) days from its receipt of a demolition permit application, the Commission shall determine whether the building or structure is historically significant. The applicant for the permit shall be entitled to make a presentation to the Commission if he or she so chooses. If the Commission determines that the building or structure is not historically significant, the Commission shall so notify the Commissioner in writing and the Commissioner may issue a demolition permit. If the Commission determines that the building or structure is historically significant, the Commission shall notify the Commissioner in writing that a demolition plan review must be made prior to the issuance of any demolition permit. If the Commission fails to notify the Commissioner of its determination within thirty (30) days of its receipt of the application, then the building or structure shall be deemed not historically significant and the Commissioner may issue a demolition permit.

(3) Demolition Plan Review.

(a) Not less than sixty (60) days after the Commission's determination that a building or structure is historically significant, the applicant for the permit shall submit to the Commission fifteen (15) copies of a demolition plan which shall include the following information:

- (1) A map showing the location of the building or structure to be demolished on its property and with reference to neighboring properties;

- (ii) Photographs of all street facade elevations;
- (iii) A description of the building or structure, or part thereof, to be demolished;
- (iv) The reason for the proposed demolition and data supporting said reason, including where applicable data sufficient to establish any economic justification for demolition;
- (v) A brief description of the proposed reuse of the property on which the building or structure to be demolished is located.

(b) After public notice, the Commission shall hold a public hearing with respect to the application for a demolition permit. Within sixty (60) days from its receipt of the demolition plan, the Commission shall file a written report with the Commissioner on the demolition plan which shall include the following:

- (i) A description of the age, architectural style, historical associations and importance of the building or structure to be demolished;
- (ii) A determination as to whether or not the building or structure should be preferably preserved.

(c) If the building or structure is not determined to be preferably preserved or if the Commission fails to file its report with the Commissioner within the time period set out in Section 22-44(3)(b), then the Commissioner may issue a demolition permit.

(4) If the building or structure is determined to be preferably preserved following the demolition plan review, then the Commissioner shall not issue a demolition permit for a period of six (6) months from the date the Commission's report is filed with the Commissioner unless the Commission informs the Commissioner prior to the expiration of such six (6) month period that the Commission is satisfied that the applicant for the demolition permit has made a bona fide, reasonable and unsuccessful effort to locate a purchaser for the building or

structure who is willing to preserve, rehabilitate or restore the building or structure, or has agreed to accept a demolition permit on specified conditions approved by the Commission.

(e) Emergency Demolition.

If a building or structure poses an immediate threat to public health or safety due to its deteriorated condition, the owner of such building or structure may request issuance of an emergency demolition permit from the Commissioner. As soon as practicable after the receipt of such request, the Commissioner shall arrange to have the property inspected by a board consisting of himself or his designee; the City Engineer or his designee; the Fire chief or his designee; the chairman of the Commission or his designee; and one (1) disinterested person chosen by the Commissioner. After inspection of the building or structure and consultation with the other members of the board, the Commissioner shall determine whether the condition of the building or structure represents a serious and imminent threat to public health and safety and whether there is any reasonable alternative to the immediate demolition of the building or structure which would protect public health and safety. If the Commissioner finds that the condition of the building or structure poses a serious and imminent threat to public health and safety and that there is no reasonable alternative to the immediate demolition of the building or structure, then the Commissioner may issue an emergency demolition permit to the owner of the building or structure. Whenever the Commissioner issues an emergency demolition permit under the provisions of Section 22-44(e), he shall prepare a written report describing the condition of the building or structure and the basis of his decision to issue an emergency with the Commission. Nothing in Section 22-44(e) shall be inconsistent with the procedures for the demolition and/or securing of building and structures established by General Laws Chapter 143, Sections 6-10.

In the event that a Board of Survey is convened under the provisions of General Laws Chapter 143, Section 8 with regard to any building or structure identified in Section 22-44(c), the Commissioner shall request the Chairman of the Commission or his designee to accompany the Board during its inspection. A copy of the written report prepared as a result of such inspection shall be filed with the Commission.

(f) Non-Compliance.

Anyone who demolishes a building or structure identified in Section 22-44(c) without first obtaining, and complying fully with the provisions of, a demolition permit in accordance with the provisions of Section 22-44 shall be subject to a fine of not more than \$300.00.

In addition, unless a demolition permit was obtained for such demolition, and unless such permit was fully complied with, the Commissioner shall not issue a building permit pertaining to any property on which a building or structure identified in Section 22-44(c) has been demolished for a period of two (2) years from the date of demolition.

(g) Severability.

In case any section, paragraph, or part of Section 22-44 is declared invalid or unconstitutional by any court of competent jurisdiction, every other section, paragraph, and part of such ordinance shall continue in full force and effect.

Approved as to legal form and character:



G. Michael Peirce, Acting City Solicitor

Under Suspension of Rules
Readings Waived and ORDINANCE
Adopted
23 yeas 0 nay 1 absent
(Alderman Tennant)

EXECUTIVE DEPARTMENT

Approved December 3, 1986

(SGD) EDWARD G. ENGLISH, City Clerk

(SGD) THEODORE D. MANN, Mayor

CITY OF NEWTON
IN BOARD OF ALDERMEN

ORDINANCE NO. S-315

JUNE 20, 1988

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF
NEWTON AS FOLLOWS:

Section 22-44 of the Revised Ordinances of Newton,
MA 1984, as amended, be and is hereby further amended
as follows:

- A. By amending the Demolition Ordinance, S-230,
of December 1, 1986 to wit:
 1. In Sec. 22-44(b), Definitions, Preferably
preserved, line 2, delete the word "importan/"
and substitute "important" therefor, and in
line 4-5, delete the words "public interest to
preserve, rehabilitate or restore" and
substitute the words "best interest of the
citizens of Newton to preferably preserve"
therefor.
 2. In Sec. 22-44(c)(1), delete the text of
subparagraph (a) and substitute the following
text:

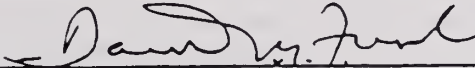
A building or structure listed on the
National Register of Historic Places or
eligible for such listing, or listed on the
State Register of Historic Places, or
eligible for such listing; or

3. In Sec. 22-44(d)(2), lines 1 and 14, delete
the words and numerals "thirty (30)" and
substitute in both places "forty (40)"
therefor.
4. In Sec. 22-44(d)(2), line 3, delete the period
after the word "significant" and insert after
the word "significant" the following text:

"or not, based on the criteria set out in
Sec. 22-44(c) above, Regulated Buildings and
Structures."

5. In Sec. 22-44(d)(3)(a), line 1, delete the words "not less than sixty (60) days" and substitute the words "not more than sixty (60) days" therefor.
6. In Sec. 22-44(d)(3)(a), line 5, delete the words and numerals "fifteen (15)" and substitute "ten (10)" therefor.

Approved as to legal form and character:


Daniel M. Funk, City Solicitor

Under Suspension of Rules
Readings Waived and Adopted
21 yeas 0 nay 3 absent
(Aldermen Barker, Snyder and Stewart)

EXECUTIVE DEPARTMENT

Approved _____

(SGD) EDWARD G. ENGLISH, City Clerk

(SGD) THEODORE D. MANN, Mayor

Bureau of Land Use

The protection of both privately and state-owned agricultural land and the wise use of our public land resources for farming and gardening are the main objectives of the Bureau of Land Use. The past year has been a productive one for the Bureau of Land Use, as over 134 farms are protected state-wide through the APR Program, positive steps have been taken to ensure continued agricultural use of our state lands, and a record number of gardeners are involved in our community gardening effort.

Outlined are presentations on the most important activities of the Bureau of Land Use for fiscal year 1985.

Agricultural Preservation Restriction Program

The Agricultural Preservation Restriction (APR) Program was established by the Legislature in December, 1977, to protect the Commonwealth's rapidly diminishing farmland resources through the purchase of Agricultural Preservation Restrictions, commonly known as development rights. It is a voluntary program whereby farmland owners apply to the Department of Food and Agriculture to sell a restriction on all or a portion of their property. After field inspections, a screening and selection process, appraisals, and approval by the Agricultural Lands Preservation Committee, the Commonwealth acquires these deed restrictions, which run in perpetuity, and prohibit all activities that would destroy or impair the land for farming. Title to the land still rests with the landowner who enjoys all the traditional rights of the property ownership, such as the right to privacy, the right to lease or sell the land, and of course the right to farm the land.

Since the program's inception, more than 13,000 acres have been protected state-wide. There are also more than 11,000 acres currently under appraisal. During the past six years the Legislature has appropriated five million dollars for each of the first four years, twenty million dollars in 1983, and another five million in 1984 for a total of \$45 million to fund the program. The Massachusetts program is the most intensive farmland preservation program of its kind in the country and is being used as a model by other states considering similar farmland protection techniques.

Background

An active farmland preservation role by the State's Department of Food and Agriculture has come none-too-soon for Massachusetts, as over a million and a half acres of land in farms have gone out of production in the state since World War II. During the two decades between 1951 and 1971 it has been estimated that between 11,000 and 12,000 acres of farmland were lost annually in the state because of urban conversion. The tremendous loss of farmland in Massachusetts has slowed during the past decade, but the loss of farms and farmland continues. One just has to drive around the countryside to witness new houses going up in fields and orchards that were recently in active agricultural production.

The loss of agricultural land in most areas of Massachusetts will undoubtedly continue, because the value of land for development purposes is greater than its value for agricultural purposes. The economic incentive to sell the farm for non-agricultural uses is often too tempting for a farmer to resist, or the land is simply just too expensive for the farmer's children or neighboring farmers to purchase. It is this disparity in land value for development versus agriculture that makes the Commonwealth's Agricultural Preservation Restriction (APR) Program work.

APR Program Objectives

The main objective of the Agricultural Preservation Restriction Program is to protect productive farmland through the purchase of deed restrictions and revitalize the agricultural industry by making land more affordable to farmers and their operations more financially secure. The specific goals of the Program include the following:

1. To save the best and most productive agricultural land remaining in the Commonwealth and;
2. To provide an opportunity for farmers to purchase farmland at affordable prices and;
3. To help farmland owners overcome estate planning problems and to address other personal ownership problems such as age, health, retirement and;
4. To release the equity "locked-up" in the land and therefore provide working capital to enable farm operations to become more financially stable and;
5. If other program objectives are met, to protect scenic open space and environmentally sensitive lands and;
6. To develop a positive attitude among farmers, agribusinessmen, landowners and urban residents that agriculture in Massachusetts makes an important contribution to the state's economy, food supply and rural character.

Status of Farms Already Protected

All of the farms that are currently in the APR Program are checked from time to time for compliance with the terms of the Preservation Restriction. At this time, none of the farms have been cited for violation of the restriction, and all of the land currently protected remains in active agricultural use.

During the summer of 1982 the Land Use Bureau staff conducted a research project on the status of the protected farms in terms of land use, ownership, types of farm improvements, and changes in the farm operation; with the objective of determining how the APR monies were being spent and how the preservation restriction affected the farm. A total of thirty farms were visited and interviews held with the owners. The following conclusions and statistics were drawn from these field visits.

Of the thirty farms protected, eleven (or thirty-six percent) had changed ownership since the preservation was completed. Out of the eleven farms that were sold, nine were purchased by family members or neighboring farmers and two were bought by new entry farmers. In the case of the sales to family members and neighbors, the sellers were all at or near retirement age, and they went on record as saying the APR Program helped them meet their retirement and ownership objectives. Thus, it is clear that the APR has been successful in helping farms pass from one generation to the next. Each of the 134 farms in the APR Program will again be inspected in the summer of 1985.

Current Status of the APR Program

There have been 134 farm properties covering 13,000 acres of land protected by the APR Program since its inception. These farms range in size from a fifteen acre highly intensive market garden to 350 plus acre dairy operations. Included among these farms are apple and peach orchards, specialized vegetable farms, small fruit operations (mostly strawberries), general forage crop and livestock farms, field crops such as potatoes, cucumbers and grain corn, diversified dairy farms and specialized dairy farms. The types of farms in the Massachusetts program are an excellent cross-section of the types of food producing agricultural enterprises in the State.

The distribution of the farms reflects the major agricultural regions of the state, and the Program is continuously progressing in these areas. One of the Program's major objectives is to continue to add more restricted land in the vicinity of those farms already protected, in order to secure large areas of land for agricultural production. More and more landowners are becoming familiar with the program, and the assemblage of large blocks of protected farmland is underway in a number of towns, including Westport, Lunenburg, Dudley, Hadley, Amherst and others.

Cities and towns are actively encouraged to participate in the APR Program and local contributions now stand at \$988,708, with \$409,150. contributed in FY 1984. The impact of proposition 2 1/2 appears to have had some negative impact on local contributions, but overall there is strong local support for the program and many towns are now annually appropriating modest amounts for APR purchases.

Rapid Increase in Land Values in 1985

For the first five of the six years of the APR Program, land values remained relatively stable with \$1,600. per acre the state-wide average for the development rights. In 1984-85, however, land values escalated rapidly in many sections of the state resulting in a doubling of the cost of development rights (\$3,300. per acre). As a result, it is anticipated that between \$10 million and \$15 million dollars may be spent in FY '86 up from four million in FY '85. This will necessitate bond appropriations for FY '87 in the range of \$15-20 million dollars in order to justify acceptance of applications beyond July of 1986 and retain long range confidence in the APR Program.

In conclusion, with the development rights removed from 3,000 - 4,000 acres of farmland per year through the APR Program, it is clear that the Program is filling a vital role in stemming the loss of farmland in Massachusetts. With high demand for farmland for residential housing and a resultant escalation in land values, however, it is becoming clear that the APR Program is only one means, albeit a major tool, for farmland preservation. Increasingly, each community with precious farmland resources it wants to preserve will have to take the lead role in developing strategies to preserve its remaining agricultural lands. Accordingly, the APR Program is mapping farmland by ownerships,

DUTCHESS LAND CONSERVANCY MODEL EASEMENT

NOTE: The Dutchess Land Conservancy makes no representations concerning the tax consequences of this document. Anyone using it is encouraged to seek professional assistance from a qualified conservation tax attorney.

CONSERVATION EASEMENT TO DUTCHESS LAND CONSERVANCY, INC.

Name(s):

Address:

I wish to place a conservation easement on my property to preserve in perpetuity its open, scenic, agricultural and wooded character and any historically significant buildings that currently exist. This easement will affect my property forever and I may not change my mind and revoke it.

Property. The property on which I am granting the conservation easement is described in Exhibit "A" which is attached to this agreement, and is referred to in this agreement as the Property.

Conservation Restrictions. The conservation restrictions which I am now imposing on the Property are as follows:

1. No building or other improvement shall hereafter be placed upon the Property except as provided in Exhibit "B" attached hereto, but this will not prevent continuance of any buildings and improvements which are now on the Property nor their future repair or replacement. No improvement, repair, replacement or other alteration of the Property shall be constructed or performed in a manner that would be inconsistent with the scenic preservation and conservation purposes of this easement.

2. The Property shall be used solely for agricultural, forestry, non-commercial residential, recreational, horticultural, animal husbandry, equestrian, and related purposes, including without limit the occupancy and use by owners or tenants of residential structures built upon the property in accordance with this easement, and customary home occupations compatible with the rural and agricultural character of the Property.

3. There shall be no quarrying or mining on the Property, except as may be needed for permitted construction of driveways and other improvements on the Property, nor placement of high voltage transmission lines, pipelines, landfills, or other land uses detrimental to the scenic character and ecosystems of the Property. This shall not prevent the installation and maintenance of local utility distribution lines.

4. No waterways located on or contiguous to the Property shall be in any way polluted by sedimentation, siltation, agricultural run-off or otherwise, and any on-site septic disposal system shall be maintained in good repair and proper operating condition.

5. The Property may:
 (a) not be divided into; or
 (b) be divided into no more than _____
separate parcels which could be legally sold into separate ownership.

Dutchess Land Conservancy, Inc. I am granting this conservation easement to the Dutchess Land Conservancy, Inc. The Conservancy may transfer the easement only to another conservation organization which is a "qualified organization" as defined in Section 170 (h) of the Internal Revenue Code and Article 49, Section 49-0303 of the Environmental Conservation Law of the State of New York and has the resources to enforce the easement.

The Conservancy shall have the right to enter upon the Property at reasonable times and with prior notice to inspect for violations of this easement and shall have the right to seek any remedy at law or in equity to enforce this easement including the remedies of specific performance or injunction, without any requirement of bond. In the event that an owner of the Property has been found to have violated any provision of this easement, such owner may be required to restore the Property to its prior condition. In the event of a material and willful violation of this conservation easement, the Conservancy shall have the right to be reimbursed for all reasonable costs of enforcement including attorneys' fees, court costs and consultant fees.

Future Owners. The conservation easement will run with the land in perpetuity and will remain in full force and effect no matter who owns the Property. If I transfer all or a portion of the Property I shall notify the Conservancy of the name, address and telephone number of the intended transferee. I agree to cause the transferee expressly to assume and agree to be bound by the provisions of this conservation easement, whereupon the transferee will be responsible for the obligations of the transferor herein and the transferor will be released therefrom. Failure to comply with the requirements of the preceding sentence shall not affect the perpetual obligations hereunder.

Modification and Waiver. This conservation easement may be modified by a formal written and recorded instrument, signed by both the then owner of any portion of the Property subject to such a modification and the Conservancy, specifically referring to the Property or any portion thereof, provided that such modifications are consistent with the scenic preservation and

conservation purposes of this easement. Where the impact on the scenic preservation and conservation purposes of this conservation easement would be minimal, the Conservancy may on a case-by-case basis waive individual provisions of this easement in writing. Such individual waivers will not affect the future applicability of any such waived provision in other situations, and any provision waived in an individual case shall continue in full force and effect for other cases.

Severability. In the event any provision of this conservation easement shall be found by a court of competent jurisdiction to be invalid or unenforceable, the remainder of the provisions herein shall nonetheless remain in effect, and this instrument may be enforced except for the provision(s) found to be invalid or unenforceable.

Existing conditions. This conservation easement is granted subject to any existing conditions currently shown on the map attached as Exhibit "A" or on photographs taken at the time this conservation easement is granted and agreed upon in writing as baseline documentation by the parties hereto.

Exhibits. The following exhibits are a part of this Easement:

- Exhibit A - Map of the Property
- Exhibit B - Additional Permitted Improvements
- Exhibit C - Proportionate Value of Easement (Optional)

DUTCHESS LAND CONSERVANCY, INC.

By: _____

EXHIBIT B

Additional Permitted Improvements

1. Residential Construction. No more than _____ tenant or additional principal residences, including _____ guest house(s) not exceeding 1,200 square feet in floor space may be built, only within areas shaded on the attached map marked Exhibit "A." Tenant and guest houses may not be sold separately from the principal residence with which they are associated. Normal and customary accessory facilities and structures, such as swimming pools, garages and tennis courts may be built in the vicinity of any existing principal residence and within the areas shaded on Exhibit "A." New and existing houses may be repaired and expanded and may be reconstructed if damaged or destroyed. No house trailers shall be permitted.

2. Agricultural Structures. Customary barns and other agricultural and equestrian facilities may be constructed within or outside the areas shaded on Exhibit "A," as approved by the Conservancy pursuant to Paragraphs 7, 8, 9 and 10 below. Agricultural structures and garages may contain accessory apartments for farm or domestic employees.

3. Roads, Utilities, and Drainage. Access roads, trails, utilities and drainage ways may be located anywhere on the Property, provided that they are constructed and located in a manner which minimizes erosion and impacts on landscape quality and is compatible with agricultural use of the Property.

4. Fences and Signs. Fences and signs that are normal and customary in the immediate vicinity may be erected anywhere on the Property.

5. Lighting and screening requirements. Outdoor lighting shall not result in any glare visible off the Property which is inconsistent with maintaining the rural character of the environment. Satellite dish antennas, above-ground swimming pools, tanks, and refuse storage tanks may be installed, provided that they are properly screened and are not visible from off the Property.

6. Clearing of Vegetation. There shall be no clear-cutting of trees except for (i) conversion of land to agricultural use, (ii) as necessary for the creation of permitted house sites, in which case no clearing shall exceed three acres, and (iii) as necessary for the construction of trails, roads and other improvements permitted by this easement. Commercial logging shall be permitted only in accordance with Paragraph 7 below.

7. Land Management Standards. All clearing of vegetation, commercial logging operations, agricultural activities and construction of permitted improvements shall be conducted in conformity with good land and forest management practices to minimize erosion and impacts on natural resources, according to applicable guidelines of the New York State Department of Environmental Conservation and the Soil Conservation Service, U.S. Department of Agriculture.

8. Building Design Standards. All new construction and all repair or reconstruction of existing structures shall be performed in a manner that is architecturally compatible with the landscape and with existing structures in the area. Buildings shall be situated below the crests of hills and shall be designed to harmonize visually with the topography and vegetation of their surroundings. Structures permitted outside the shaded areas shown on Exhibit "A" shall be sited so as to minimize visibility from public roads. Stables and other agricultural structures shall be architecturally compatible with traditional buildings found in the general vicinity of the Property and shall use traditional materials. To the extent that structures cannot be seen from any location off the Property they shall be deemed to be architecturally compatible.

9. Design Review.

(a) Applicability. The construction of any residential structure greater than 3,000 square feet of floor space or 28 feet in height, the expansion by more than 1,000 square feet of an existing residential structure, or the construction or enlargement of any agricultural or equestrian structure beyond 5,000 square feet in floor space or 35 feet in height shall require prior review and approval by the Conservancy. Decisions under this paragraph shall be issued by such person or committee as may be designated by the Conservancy's Board of Directors.

(b) Schematic Approval. Prior to undertaking any construction reviewable under this paragraph, the owner shall provide a sketch of the proposed building or a photograph of a building architecturally similar to that proposed, as well as a schematic site plan showing the proposed location of the structure, related improvements, and landscape alterations and their relation to existing topography and vegetation. The Conservancy shall review this material for consistency with the purposes and provisions of this conservation easement and with Paragraphs 7 and 8 of this Exhibit and shall within fifteen (15) days notify the owner of its approval or disapproval of the proposal. If the Conservancy fails to act within fifteen (15) days of receipt of materials sufficient for schematic review, approval shall be deemed granted.

(c) Final Approval. After receiving schematic approval, the owner shall submit final drawings showing building elevations and detailed site plans. The Conservancy's review of such drawings shall be limited to determining their general consistency with the approved schematic plans. If Conservancy approval or disapproval of such drawings is not given within twenty-five (25) days of receipt of final plans, approval shall be deemed granted.

(d) The owner shall reimburse the Conservancy for reasonable costs incurred in connection with its review of any proposals, not to exceed .3% of the estimated cost of proposed structures.

10. Appeal of Architectural Review. In the event that the Conservancy denies permission to alter the Property pursuant to Paragraph 9 above, the owner shall have the right to appeal to an arbitration panel consisting of one architect selected by the owner, one selected by the Conservancy, and one selected jointly by the two architects selected. Each party shall bear the cost of its own architect plus half the cost of the architect selected jointly. Decision of the panel shall be binding on all parties.

APPENDIX 2.
PRESERVATION TOOLS IN MAGIC COMMUNITY BYLAWS

ACTON

Agricultural-Recreation Conservation District
Aquifer Protection District - overlay
Flood Plain Overlay District - overlay
Planned Conservation Residential Community
Groundwater Protection bylaw
Cluster Development
Wetlands Protection Bylaw
Scenic Road bylaw
Sign bylaw
Hammerhead lots
Agricultural and Conservation uses - allowed in all districts
Recreation uses - by Special Permit in 4 districts; by right elsewhere
under Site Plan: Open Space landscape standards

Spring 1989 Town meeting:

 overhaul Cluster and rename it Open Space Development - passed
 overhaul Aquifer Protection District - passed
 Phased Growth - did not pass

BOXBOROUGH

Aquifer Protection District
Wetlands and Watershed District
Flood Plain District
Sign ordinance
Landscaping (pg.32)
Private/common driveways - by Special Permit
Site Plan approval

Spring 1989 Town meeting proposal:

 Open Space Community (Cluster) - did not pass

CARLISLE

Historic District
Flood Hazard Overlay District
Pork chop lots (pg.16-17)
Sign setback
Conservation Clusters (pg.35)
Scenic Roads (sec.13,art.10)

CONCORD

Flood Plain Conservancy District
Wetlands Conservancy District
Groundwater Conservancy District
Historic District Zones
Residential Compound - preserves rural character
Planned Residential Development - by Special Permit
Landscaped parking
Sign Bylaw
Land Acquisition Policy and Land Fund:
 Open Space Subcommittee studying possible zoning changes

HUDSON

Flood Plain/Wetlands District (overlay)
Historic District
Groundwater Protection bylaw
Landscaped area
Signage

LITTLETON

Wetlands District
Flood Plain District
Aquifer and Water Resource District
Design requirements
Set back - special permit (pg.12)
Sign regulations
Landscaping and Screening (pg.18)

MARLBOROUGH

Flood Plain and Wetland Protection District
Signage Ordinance
Landscaped area - parking

MAYNARD

Flood Plain District - overlay
Open Space Acquisition Plan
Garden Apartment - no parking in front of building
Signage

STOW

Recreation/Conservation Districts
Flood Plain/Wetlands Districts
(Historic District Study Committee)
Groundwater Protection bylaw
Signage
Cluster Zoning
Open Space Acquisition Plan

SUDBURY

Historic Districts
Open Space District
Flood Plain District
Aquifer Protection District
Design Review Board
Signs and Advertising
Cluster Bylaw
Scenic Roads - no roads yet
5 Acre zone restriction
Open Space - recreation/education uses
Parking design requirement - behind the building

APPENDIX 3.
LOCAL RESOURCES

Below is a list of some of the "assets"/"resources" in MAGIC communities identified by members of the historical commissions and other interested parties in the early fall 1988.

Acton:

So. Acton Center - site of first town center. Concern that more growth will harm historical integrity. A floor/area ratio bylaw is being submitted.

Great Road - needs protection

Working farms - last working orchard is zoned commercial along 2A.

Farm near Nagog Pond in Littleton - does it have agricultural abatement?

Boxborough:

Glacier formation on Stow border (esker)

Old carriage road between Littleton and Stow

4 original school houses

Old mill sites

Lime kiln and quarry

Small pox grave

Carlisle:

Cranberry bog and barn - should be saved

Concord:

W. Concord Depot - recently nominated for the Historic Register. Advisory Committee established to develop preservation and use plan.

Estabrook Woods - 17th cent. lime kiln and quarry

Barrett Farm

Long Range Plan (1987, Chap.6) recommendations for preservation and protection strategies.

Hudson:

Gooddale Farm - 1st. farm in town
pre-revolutionary cemetery

Tannery brook - closely associated with the shoe industry in town
shoe and woolen mills in the business district

Littleton:

Pine grove

Indian sites - have not been checked out by an archeologist

Library - pure 1895, National Register Nomination

Last old house on the common - for sale

Poor farm

1st general store

Mill - could be eligible for register (according to MHC)

Fort Pond - site of old fort

Marlborough:

Farm Road - 1/2 doz. early 18th - 19th cent. houses

Barn's apple orchard

Old house near Hagar Pond with eyebrow windows

John Brown's bell - belongs to Harper's Ferry, W.Va., hooked up to police station.

Maynard

Army Land - ponds, flora, fauna, old farms, scenic roads, etc

Masonic Temple - National Register?

1846 carpet mill (DEC)

Assabet River

"Indian rock"

Powerhouse and carbarn - church for Russian and Polish workers

Stow:

Great Road - Old Lancaster Pike - becoming like 2A in Acton

Open areas and brooks

Original march of Stow minutemen to Concord on 4/19. thru Maynard, Acton into W. Concord. Similar to Isaac Davis trail in Acton.

Sudbury:

Wood-Davison House

Fort Devens Training Annex

Deeded Ford land adjacent to Wayside Inn

Open areas along Rte. 117

APPENDIX 4.
DEM SCENIC LANDSCAPES IN MAGIC

In 1982, the Department of Environmental Management undertook an extensive survey of notable landscapes in the Commonwealth. The methodology for identifying these scenic views was based on a Scottish report entitled Scotland's Scenic Heritage as it closely relates to the Massachusetts landscape. Only those areas with more than a square mile of "consistently high visual quality" are included in the inventory, which is divided into distinctive, noteworthy and common landscape types.

The scenic landscapes in MAGIC fall in two of the six physiographic regions: the Seaboard Lowland and the Central Upland. These landscapes include the Concord-Sudbury River unit, the Sudbury Reservoir unit (Wayside Inn) and the Shrewsbury Ridge unit (parts of Littleton and Boxborough).

DISTINCTIVE

Acton
Boxborough
Concord
Littleton
Sudbury

NOTEWORTHY

Acton
Boxborough
Carlisle
Concord
Littleton
Marlborough
Sudbury

BAY CIRCUIT PROGRAM

The Bay Circuit Program is a recreation/open space planning effort that seeks to preserve the natural environment in eastern Massachusetts. It is administered by the Department of Environmental Management. The circuit will be comprised of 100 miles of green space that circle Metropolitan Boston from Plum Island in the north down to Duxbury Bay in the south. The goal of this "circuit" is to achieve a ring of state parks, reservations and conservation lands connected by trails, scenic roads and waterways. Three of the 50 cities and towns of the Circuit are in MAGIC:

Carlisle
Concord

Sudbury

Both of these "programs" serve to identify resources of scenic and recreational value in the MAGIC towns. They should be viewed as a first step towards protection, since it is necessary to identify available assets before starting the arduous task of preserving them. Since identification on a list such as these offers no protection, the communities should examine the areas carefully and start to actively pursue an overall preservation plan.

***At press time, legislation has been filed to include Marlborough, Maynard and Stow in the Bay Circuit.

APPENDIX 5.
STATE REGISTER FOR MAGIC

	<u>Structures</u>	<u>Districts/Etc</u>
ACTON	Exchange Hall '86 Faulkner Homestead '71 Hosmer House '76 Jones Tavern '86	Isaac Davis Trail '72
CARLISLE		Carlisle Historic Dist.'69
CONCORD	Col. James Barrett Farm '73 Col. Roger Brown House '83 Dr. John Cuming House '77 Damon Mill '79 Ralph Waldo Emerson House '66 Old Manse '66 Orchard House '66 Parkman Tavern '79 Pest House '77 Thoreau-Alcott House '76 The Wayside '80 Wheeler-Merriam House '82 Wright's Tavern '66	American Mile H.D. '61 Barrett Farm H.D. '72 Concord Monument Square/ Lexington Road H.D. '77 Main Street H.D. '62 Northbridge-Monument Sq Hist. Dist. '73 Minuteman National Historic Park '66 Walden Pond '66
HUDSON	Felton Street School '86 Goodale Homestead '75 Col. Adelbert Mossman House '82	Silas Felton H.D. '88
MARLBOROUGH	John Cotting House '84 Peter Rice House '80 Temple Building '83	Warren Block '83
SUDBURY	First Parish Church '76 Hosmer House '83 Old Sudbury Post Office and Carriage Barn '81	King Philip H.D. '72 Old Sudbury H.D. '63 Sudbury Center H. D. '76 Wayside Inn H.D. '73 Milestones 1767 '71

Note: The dates on this list refer to the year when the State Register nominations were approved.

Once a community has completed their inventory of historic and cultural resources, they are eligible to nominate buildings, structures and districts to the State Register of Historic Places. The MHC, under the aegis of new legislation, Chapter 254 of the Acts of 1988, will have the authority to make nominations to the State Register. This will expedite the current process that relies on a Federal timetable.

APPENDIX 6.
SCENIC ROADS IN MAGIC

ACTON	Windsor Ave. Bulette Rd. Stow St. Martin St. School St. Hayward Rd. Taylor Rd. Forest Rd. Concord Rd. Proctor St. Esterbrook Rd. Brook St. Fort Pond Rd. Simon Hapgood Ln. Minuteman Rd. Quarry Rd. Wheeler Ln.	Arlington St. Robbins St. Liberty St. High St. Piper Rd. Coughlin St. Minot Ave. Newtown Rd. Pope Rd. Spring Hill Rd. Strawberry Hill Rd. Carlisle Rd. Nagog Hill Rd. Hammond St. Central St. Isaac Davis Trail
BOXBOROUGH	Pine Hill Rd. Hill Rd. Old Harvard Rd. Middle Rd. Davidson Rd. Square Rd.	Depot Rd. Burroughs Rd. Stow Rd. Picnic St. Littlefield Rd. Sargent Rd.
CARLISLE	Brook St. Lowell St. West St. Pope Rd. Cross St. Russell St. River Rd. Maple St. Rutland St.	North Rd. Curve St. Acton St. South St. Concord St. School St. Skelton Rd. East St.
CONCORD - none; Historic Commission developing proposal for Town Meeting		
HUDSON	Parmenter St. Park St. Shay St. Brook St. Hosmer St. Forest Ave.(Grove to Wilinks) Main St. (Forest Ave. to Stow line)	White Pond Rd. Brigham St. Chestnut St. Murphy Rd. Marlboro Rd. Brigham St.

LITTLETON

Harwood Ave.
Newton Rd.
Tahattawon Rd.
Sanderson Ave.
Crane Rd.
Whitcomb Rd.
Maple
Nagog Hill Rd.
Bulky
Lawrence
Shaker Ln.
Taylor St.
Lake Shore Drive

Goldsmith
Foster
Oak Hill Rd.
Harvard Rd.
Spectacle Pond Rd.
Hartwell Ave.
Nashoba Rd.
Boxborough Rd.
New Estate Rd.
Gilson Rd.
Fort Pond Rd.
Russell
Mill Rd.

MAYNARD - some designated roads but no bylaw.

MARLBOROUGH - none

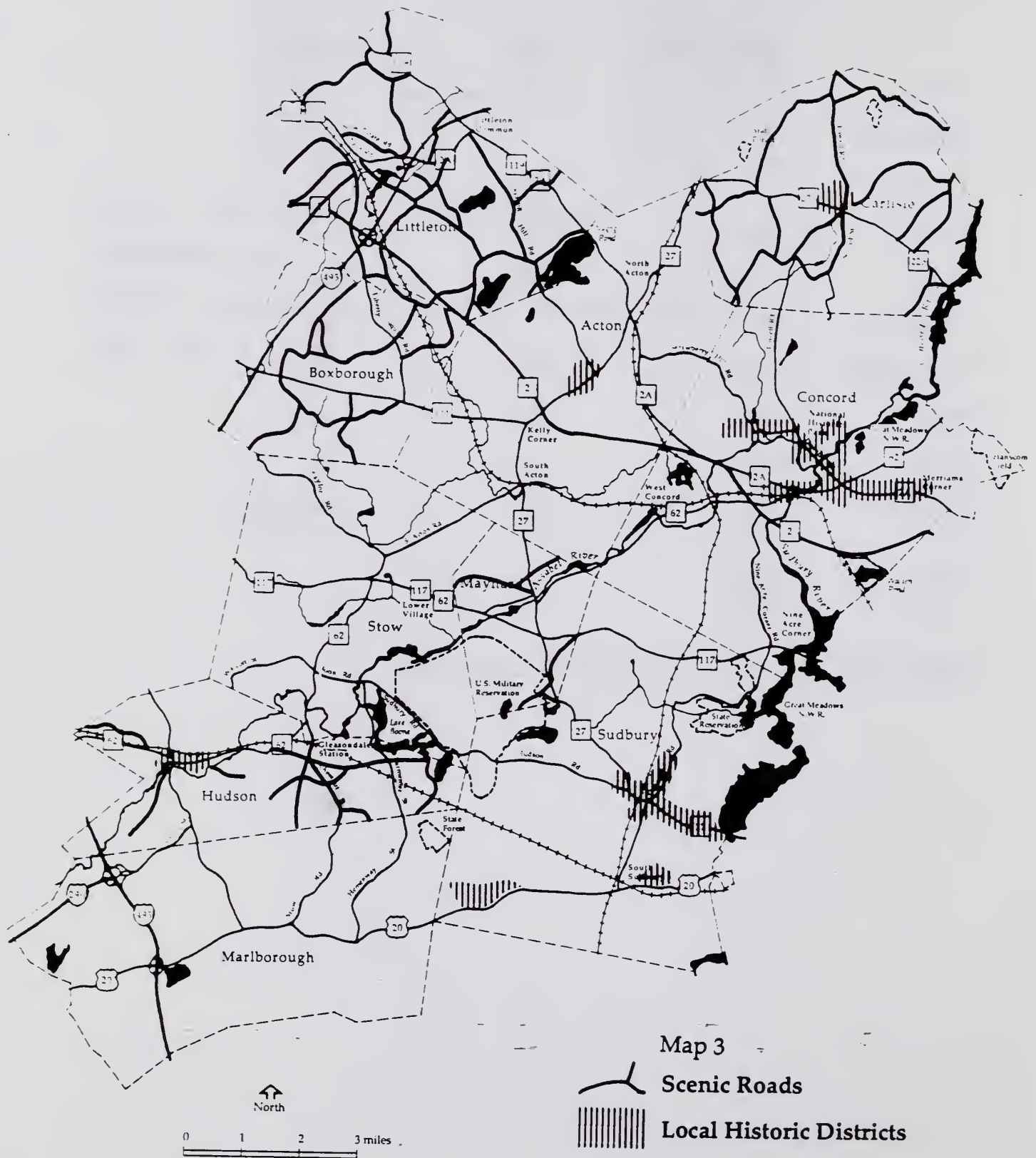
SUDBURY - a bylaw exists but no roads have been nominated.

STOW - none

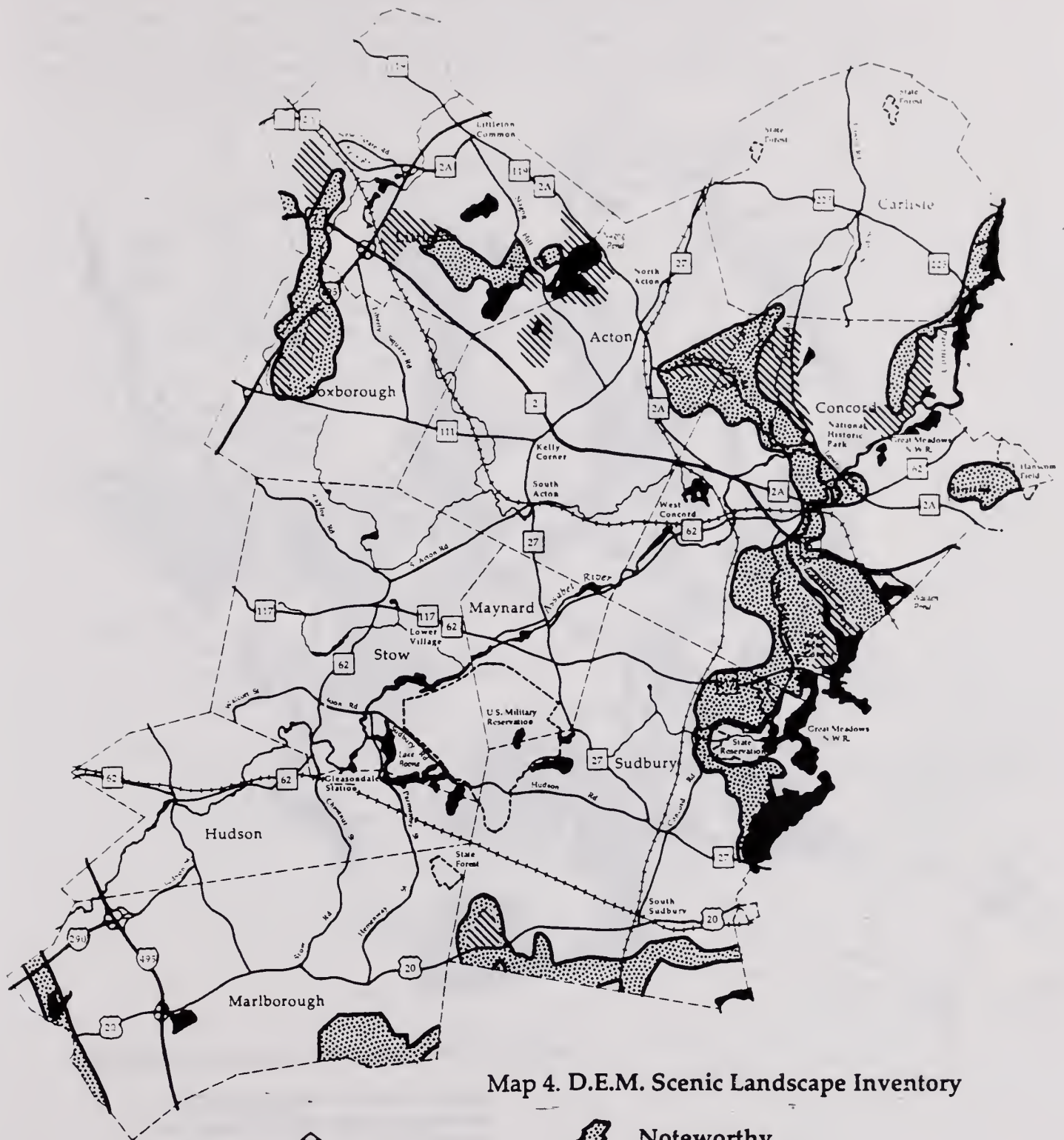
APPENDIX 7.
MASTER PLANS IN MAGIC

	<u>Master Plan</u>	<u>Year</u>	<u>Update</u>
Acton	Yes	1961 (not used)	Yes
Boxborough	No		No
Carlisle	Yes	1987	No
Concord	Yes	1987	No
Hudson	Yes	1962	No
Littleton	No		No
Marlborough	Yes	1985	Yes
Maynard	Yes	1975	Yes
Stow	No		No
Sudbury	Yes	1962	Yes, 1989
TOTAL	7 Yes 3 No		

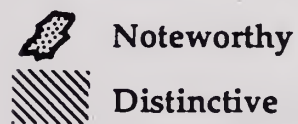
Source: MAPC Community Survey Report. July, 1988



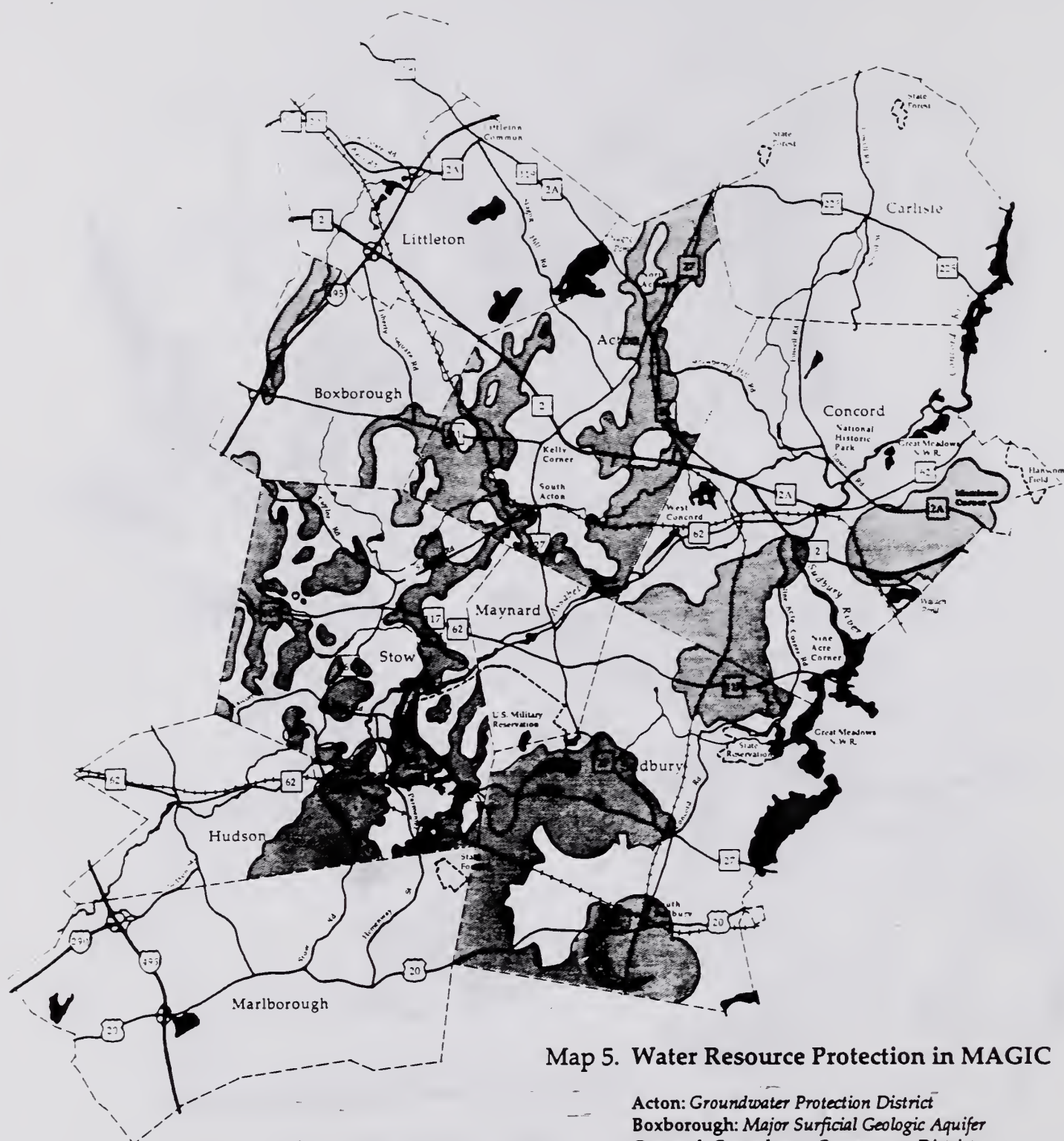
M.A.G.I.C. Subregion



Map 4. D.E.M. Scenic Landscape Inventory



M.A.G.I.C. Subregion.



Map 5. Water Resource Protection in MAGIC

Acton: Groundwater Protection District
 Boxborough: Major Surficial Geologic Aquifer
 Concord: Groundwater Conservancy District
 Hudson: Watershed Protection Overlay District
 Sudbury: Zone 2 and Zone 3
 Stow: Water Resource Protection District

M.A.G.I.C. Subregion

Note: Townwide map not available for Marlborough or Littleton; wetlands map only for Carlisle.

APPENDIX 8.
FINLANDIA REGION - OAR

The Organization for the Assabet River (OAR) has identified the Fort Devens Annex as "the Finlandia Region in honor of the Finnish families who gave up their farms in 1942 through eminent domain, for the war effort". They have recently completed an inventory of the protected public and private lands surrounding the Annex.

Open space parcels protected
in the five town "Finlandia" region.

<u>Town</u>		<u>Approx. acres</u>
□ Stow		
1	Gardner Hill Conser. Land and Soccer Field	324
2	DEM Forest and Parks Land	148
○ Maynard		
1	Well Fields	
2	Green School	
● Marlborough		
1	Marlborough State Forest	193
2	Conservation Land	35
3	Conservation Land	52
4	Mass. Fed. Women's Clubs	35
■ Hudson		
1	Marlborough State Forest	110
2	Maynard White Pond Reservoir	133
3	Cranberry Well	25
▽ Sudbury		
1	DEM Forest and Parks Land	180
2	Hop Brook Conservation Land	80
3	Mass. Fed. Women's Clubs	<u>150</u>
Approximate Total Acres		1465



SOURCES

Contact persons for various preservation programs

APR PROGRAM

Hubbard, Richard

Department of Food and Agriculture, 142 Old Common Road, Lancaster, MA
01523. (508)792-7710.

ASSABET RIVER COORDINATOR

Monjeau, Michele

Dept. of Fisheries, Wildlife and Environmental Law Enforcement
Riverways Program

100 Cambridge St. Room 1901, Boston, MA 02202
(617)727-6278

BOSTON UNIVERSITY - PRESERVATION STUDIES

Candee, Richard

Director Preservation Studies, American Studies Program

Boston University, Boston, MA
(617) 353-2948

HISTORIC PRESERVATION PLAN FOR FORT DEVENS

Directorate of Housing and Engineering, Fort Devens Annex, Sudbury, MA

SUDBURY VALLEY TRUSTEES

Mackey, Barbara

P.O. Box 7, Wayland, MA 01778
(508)443-7325

